



Town of Arlington, MA Redevelopment Board

Agenda & Meeting Notice February 10, 2025

Per Board Rules and Regulations, public comments will be accepted during the public comment periods designated on the agenda. Written comments may be provided by email to cricker@town.arlington.ma.us by Monday, February 10, 2025, at 3:00 pm. The Board requests that correspondence that includes visual information should be provided by Monday, February 10, 2025, at 12:00 pm. Please note that all times are estimates; individual agenda items may occur earlier or later than the time noted.

The Arlington Redevelopment Board will meet Monday, February 10, 2025 at 7:30 PM in the **Arlington Community Center, Main Hall, 27 Maple Street, Arlington, MA 02476**

1. Review Meeting Minutes

7:30 pm The Board will review and vote on meeting minutes from January 13, 2025.

2. Discussion of Affordable Housing Overlay District Warrant Article

7:35 pm The Board will discuss the warrant article for an Affordable Housing Overlay District proposed by a citizen working group.

3. Discussion of Board Articles for 2025 Town Meeting Warrant Articles

8:00 pm The Board will discuss main motion language for warrant articles submitted by the Board for 2025 Annual Town Meeting.

4. Open Forum

9:00 pm Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made, the night of the presentation. There is a three-minute time limit to present a concern or request.

5. New Business

9:15 pm

6. Adjourn

9:30 pm (Estimated)

7. Correspondence

- Heigham, C. - 2/4/2025

- Englisher, L. - 2/9/2025



Town of Arlington, Massachusetts

Review Meeting Minutes

Summary:

7:30 pm The Board will review and vote on meeting minutes from January 13, 2025.

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	01272025_DRAFT_Minutes_Redevelopment_Board.pdf	01272025 DRAFT Minutes Redevelopment Board

Arlington Redevelopment Board
Monday, January 27, 2025, at 7:30 PM
Community Center, Main Hall
27 Maple Street, Arlington, MA 02476
Meeting Minutes

This meeting was recorded by ACMi.

PRESENT: Rachel Zsemlery (Chair), Eugene Benson, Shaina Korman-Houston, Kin Lau, Stephen Revilak

STAFF: Claire Ricker, Director of Planning and Community Development; Sarah Suarez, Assistant Director of Planning and Community Development

The Chair called the meeting of the Board to order. She said that she would like to change the order of the agenda, and move Items 7 and 8, the discussions of Board Warrant Articles for 2025 Town Meeting and the Warrant Article Hearings timeline, to the beginning of the meeting. She moved that those two items be discussed first, Mr. Revilak seconded, and the Board voted unanimously in favor.

The Chair opened with **Agenda Item 7 – Discussion of Board Articles for 2025 Town Meeting Warrant Articles.**

Ms. Ricker said that DPCD staff and Board members have worked closely on the wording of the proposed articles, and Town Counsel Mike Cunningham has also reviewed the language. She noted that Mr. Cunningham suggested that the planned rezoning of B1 parcels be made into two warrant articles – one to amend the Zoning Bylaw and the other to amend the Zoning Map.

The Chair proposed going through the list of proposed articles and making corrections or edits.

Accessory Dwelling Units (ADUs)

To see if the Town will vote to amend Section 2: Definitions, Section 5.4.2.B.(6) Large Additions, Section 5.4.2.B.(7) Garages, and Section 5.10.2 Accessory Dwelling Units of the Zoning Bylaw, to bring the Town's Accessory Dwelling Unit provisions into compliance with M.G.L. Chapter 40A, or take any action related thereto.

Mr. Revilak suggested adding Section 6.1.4 Off-Street Parking Regulations, to the list of sections to be potentially modified. Mr. Benson said that the section on ADUs already indicates that no additional parking is required, so he does not think it will be necessary to modify Section 6.1.4.

Mr. Benson asked why Section 2 Definitions would be modified. Mr. Revilak said that the guidelines for the new state legislation regarding ADUs refers to “protected use accessory dwelling unit,” and he thought it would be useful to include that concept in the definitions. Mr. Benson said that he thinks adding a new definition is unnecessary.

Mr. Benson asked why Section 5.4.2.B.(7) Garages was included. Mr. Revilak noted that the zoning bylaws allow garages to be built up to the property line, unlike most other types of structures. The existing ADU bylaw allows conversion of garages into ADUs but requires a special permit for ADU conversions within six feet of the property line. The new state legislation does not allow municipalities to require a special permit for Protected Use ADUs. He said that the Board needs to discuss whether it wants to change the setbacks required for garages. Mr. Benson said that he thinks it is unnecessary to change the setbacks for garages. Section 5.10.2 on ADUs includes information about setbacks.

Ms. Korman-Houston would prefer to keep Section 5.4.2.B.(7) Garages in the warrant article.

Mr. Lau said that he agrees with Mr. Benson and thinks that the warrant article as proposed is overly complicated. All the Board needs to do is make the zoning bylaw with regard to ADUs comply with the new state law regarding ADUs, and he thinks the warrant article should reflect that this is a simple change.

Mr. Revilak said that he has been working with Ms. Suarez, Inspectional Services Department (ISD) Director Mike Ciampa, Zoning Board of Appeals (ZBA) Chair Christian Klein, and Town Counsel on a rough draft of the main motion language for this warrant article. The sections under discussion are all included in the rough draft. The Chair said that she would prefer to keep all the sections in the warrant article so that the Board has the flexibility to amend them if necessary. As the Board considers the main motion language in future meetings, they may opt not to amend all the sections mentioned, but they will have the option to do so.

Mr. Benson suggested deleting the phrase “into compliance with M.G.L. Chapter 40A.” The Chair agreed, noting that while compliance with state law is the reason for the warrant article, that does not need to be stated in the article itself.

The Chair summarized: a reference to Section 6.1.4 will be added, and the phrase “into compliance with M.G.L. Chapter 40A” will be deleted.

Transportation Demand Management Plan

To see if the Town will vote to amend Section 6.1.5. Parking Reductions in Business, Industrial, and Multi-Family Residential zones to adjust the requirements for Transportation Demand Management plans and methods; or take any action related thereto.

Mr. Benson suggested adding the phrase “of the Zoning Bylaw” after the reference to the specific section. The other Board members agreed and had no further comments.

Zoning Map Adoption to Rezone B1 Parcels

To see if the Town will vote to amend the Zoning Bylaw and adopt changes to the Zoning Map that would rezone certain parcels in the B1 business district to B2A zoning; or take any action related thereto.

Ms. Ricker said that Town Counsel recommended separating this into two warrant articles, one to focus on the zoning bylaw and the other to focus on the zoning map. The two articles recommended by Town Counsel are:

To see if the Town will vote to rezone certain parcels currently zoned B1 Neighborhood Office District to B2A Major Business District; or take any action related thereto.

To see if the Town will vote to amend the Zoning Bylaw and adopt changes to the Zoning Map that would rezone certain parcels in the B1 business district to B2A zoning; or take any action related thereto.

Mr. Benson suggested adding a reference to Section 4.2. Ms. Ricker said that a separate article would deal with Section 4.2.

Delete Inland Wetland Overlay District

To see if the Town will vote to delete Section 5.8, Inland Wetland Overlay District, from the Zoning Bylaw and adjust the numbering of subsequent sections; or take any action related thereto.

Mr. Revilak noted that Section 4.1.2 lists the Overlay Districts, and he suggested adding that deletion to the warrant article as well. The other Board members agreed and had no further comments.

Definition of Lot Coverage

To see if the Town will vote to amend Section 2: Definitions, in the Zoning Bylaw to add a new definition, Lot Coverage; or take any action related thereto.

Mr. Benson suggested changing “in the Zoning Bylaw” to “of the Zoning Bylaw” for consistency. The other Board members agreed and had no further comments.

Parking in Residential Districts

To see if the Town will vote to amend Section 6.1.10.A of the Zoning Bylaw, to amend and clarify standards for parking in Residential districts; or take any action related thereto.

Mr. Benson suggested adding the words “the location of” immediately before the word “parking.” The other Board members agreed and had no further comments.

Screening and Buffer Requirements

To see if the Town will vote to amend the Zoning Bylaw to combine Section 5.3.7.A and 5.3.21.A by removing duplicative material, moving a subsection to Section 5.3.13, and to revise these sections for clarity; or take any action related thereto.

Mr. Benson suggested rewriting the entire article: “To see if the Town will vote to remove duplicate material by combining Sections 5.3.7 and 5.3.21 of the Zoning Bylaw into Section 5.3.7, thus deleting Section 5.3.21, revise Section 5.3.7 for clarity, move a subsection to Section 5.3.13, and amend a reference in Section 5.6.2; or take any action related thereto.” The other Board members agreed and had no further comments.

Redevelopment Board Jurisdiction

To see if the Town will vote to amend Section 3.4.2 to revise the special permit and environmental design review applicability for certain properties abutting the Minuteman Bikeway; or take any action related thereto.

Mr. Benson suggested adding the phrase “of the Zoning Bylaw” after “Section 3.4.2.” The other Board members agreed and had no further comments.

Administrative Correction

To see if the Town will vote to amend Section 4.2 to reflect changes to the Zoning Map adopted by previous Town Meeting action; or take any action related thereto.

Ms. Ricker explained that the purpose of this warrant article is to re-adopt the Zoning Map, so as to update the date of adoption, so that it better reflects when changes were actually made to the map.

Mr. Benson suggested adding the phrase “of the Zoning Bylaw” after “Section 4.2.” The other Board members agreed and had no further comments.

The Chair asked for a motion to submit the proposed warrant articles as amended. Mr. Lau so moved, Mr. Revilak seconded, and the Board voted unanimously in favor.

The Chair moved to Agenda Item 8 – Discussion of Warrant Article Hearings Timeline.

Ms. Ricker explained that the proposed schedule for warrant article hearings is:

- February 24, 2025 – hearing for warrant articles proposed by the Board
- March 10, 2025 – hearing for warrant articles proposed by citizen petitioners
- March 24, 2025 – hearing for proposed zoning map changes
- April 7, 2025 – deliberate and vote on all warrant articles
- April 14, 2025 – vote on Board Report to Town Meeting

The Chair noted that the Board is proposing quite a few warrant articles, and it may be difficult to hold hearings for all of them on February 24. The Board agreed to hold an additional meeting on March 17; the Board articles will be heard on February 24 and March 10, and the citizen petition articles will be heard on March 17. Mr. Benson asked when the Board Report is due. Ms. Ricker said that she does not have that date yet, but she will find out. The Chair said that the Board can adjust their schedule if necessary.

The Chair moved to **Agenda Item 2 – Discussion of 1207-1211 Massachusetts Avenue.**

Ms. Ricker explained that the recently passed Mass Leads Act automatically extended most real estate development permits by two years. This applies to the Special Permit granted for 1207-1211 Mass Ave. to December 8, 2027. She also said that DPCD is in the process of determining what other permits are extended by the Act, and she will prepare a memo for the Board with that information.

The Chair invited James Doherty, developer of 1207-1211 Mass Ave., to address the Board. Mr. Doherty said that in July 2024, he received a memo from Town Counsel explaining what types of changes to his original proposal could be accommodated within the same Special Permit, and what types of changes would require a new Special Permit. They are now considering moving forward with residential development rather than a hotel. They intend to move the building to Mass Ave. and rework the massing in the rear, without increasing the exterior dimensions of the building. Parking would remain underneath the building. They hope to bring a specific plan to the Board in the coming months.

The Chair noted that changing from a hotel to residential is a significant change, so Mr. Doherty would need to apply for a new Special Permit. Mr. Doherty said they are still working on the possibility of building a hotel, but given that they're not sure if that will work, they are also working on residential.

Mr. Lau noted that the Board offered relief on various issues because the project was a hotel, which is needed in Arlington, and they may not offer as much relief for a residential development. He also asked what is holding up the process of building a hotel. Mr. Doherty said that they originally proposed 50 units, but only 48 units were approved, and that has affected the ability to get funding. It is not a premiere hotel location. The room layouts and restaurant size have also complicated the process.

Ms. Shaina Korman-Houston asked about the timeline of the project, and when the Board can expect to see either a new Special Permit application or concrete plans for the hotel. Mr. Doherty replied that they still want to make the hotel work, and a fair amount of money has already been invested in building a hotel, but building residential properties is much more straightforward.

The Chair said that Mr. Doherty will need to come back in another six months to report on the project's progress.

The Chair moved to **Agenda Item 1 – Review Meeting Minutes.**

January 13, 2025, minutes – The Board members made no changes to the draft minutes. The Chair requested a motion to approve the minutes as submitted. Mr. Lau so moved, Mr. Benson seconded, and the Board voted unanimously in favor.

The Chair moved to **Agenda Item 3 – Public Hearing: Docket #3831, 1323 Massachusetts Ave.**

Ms. Ricker explained that this is an application for a sign permit for Fiesta Bites Pizzeria at the corner of Mass Ave. and Park Ave. in Arlington Heights. The applicant is seeking relief under Sections 6.2.3.A(3), 6.2.3.B.(3), 6.2.5.D.(10), and potentially 6.2.5.D.(11).

Asael Sanchez, co-owner of Fiesta Bites Pizzeria, said that he would like to keep the signs the way they are, which is similar to what the previous tenant had.

The Chair said that there are currently far more signs than the Board can approve. The previous tenant put up signs illegally, without appropriate signage approval. They had been legally notified by the Town that they were out of compliance. Cabinet signs are not approved signage types in Arlington. Signage should be applied directly to the sign band itself. Businesses are allowed two signs, including the sign band and window signs, but Fiesta Bites currently has 14 signs. Because Fiesta Bites has two façades, facing both Mass Ave. and Park Ave., the Board may approve a third sign, but they are unlikely to approve a sign that includes photos of food. The Chair also noted that that on the Park Ave. façade, it looks like a sign was removed, and metal sheeting has been tacked up there, which is not an acceptable storefront material. The two windows on the Park Ave. side need to be either glass or a durable building material.

Mr. Lau agreed with the Chair. He also clarified that the photos of food along the bottom of the windows are also considered signage, and they need to be removed. He said that the neon OPEN sign in the windows also could be as

signage, and it would be one of their two signs. He would encourage Mr. Sanchez to come back to the Board with a proposal for two or three signs, including window signs. Mr. Sanchez said that he submitted the sign permit application and it was approved, so they had everything manufactured. Mr. Lau explained that the Board is the only body that can approve signage.

Mr. Revilak noted that the cabinet sign facing Mass Ave. is in three separate sections. If the Board does allow them to maintain the cabinet sign, it would be nice if it were one single sign. In addition, the sign should not be more than 60% of the width of the building, so it should be a smaller than what is currently there. He recommended that they consider a wall sign on the side of the building facing Park Ave., rather than using the short sign band above the windows. He agrees that they should reduce the total to two or three signs.

Ms. Korman-Houston and Mr. Benson both agreed with the rest of the Board that it cannot be approved as is.

The Chair opened the floor to public comment.

- Mark Wilke – He asked if these signs are already in place or not. He also noted that the Classic Diner next door has more than two signs and asked if they are also out of compliance.

The Chair replied that the signs are already up. She also explained that the Classic Diner opened before the current signage bylaws were put in place in 2019. Since then, all new businesses have been required to come into compliance.

Seeing no one else who wished to speak, the Chair closed public comment.

The Chair said that the hearing would be continued, and the applicant should return with a new proposal for two or three signs. Her preference would be that the cabinet signs be removed, but if that is a hardship, they can request to keep them. She would prefer that those signs only include the name and not the images of food. The pictures of food on the window, the OPEN sign, and the signs on the corner all count as individual signs, so the applicant should think carefully about what three signs they want to propose.

Mr. Lau said that he would only be willing to approve the continued use of the cabinet signs if the applicant can show that it is a hardship to install standard signs on the sign band. He also noted that they have a blade sign on the street, which also counts toward their total number of signs. He recommended that the applicant talk to the landlord about having signs installed on the sign band.

Ms. Korman-Houston said that she would be willing to approve cabinet signs if a regular sign were a hardship.

Mr. Benson said that cabinet signs are not allowed in the bylaw, and he does not think that the Board has the authority to approve them. The Board can allow relief in terms of the number or size of signs allowed, but he does not think that the Board can approve cabinet signs, and he will not vote to do so.

Mr. Revilak said that he would be willing to approve the cabinet sign if it were all one continuous area, not three separate blocks.

The Chair said that she wants to see a proposal that does not include cabinet signs. She also asked Mr. Sanchez to speak to the landlord about removing the metal sheeting on the Park Ave. façade and repairing the sign band. Mr. Sanchez said that the landlord has been unwilling to repair the sign band. The Chair recommended that Mr. Sanchez share the meeting minutes with the landlord in order to demonstrate that repairing the sign band is the landlord's responsibility.

Mr. Sanchez asked what kind of signage is acceptable on the sign band. The Chair said that they could have a panel sign or applied letters, and that no particular colors are required or disallowed. She said that the bylaws include information about what types of signs are allowed and what sizes are allowed. Mr. Lau said that DPCD could give them more information about what is allowed.

The Chair requested a motion to continue the hearing for Docket 3831 to March 17, 2025. Mr. Lau so moved, Mr. Benson seconded, and the Board voted unanimously in favor.

The Chair moved to **Agenda Item 4 – Public Hearing: Docket #3837, 1011 Massachusetts Ave.**

Ms. Ricker explained that this is an application for a three-family building on a non-conforming lot. The Inspectional Services Department (ISD) has this property listed as two residential units and one commercial unit, but the building actually contains three residential units. It has been assessed as a three-family building by the Assessor's Office for many years, and the applicant wants administrative confirmation of the three-family use.

Attorney John Leone represented owner Scott Hefter, 55 West Eagle LLC. Mr. Leone said that the applicant wants the three-family use to be on record with the Town. They did not intend to make any changes to the building.

Mr. Revilak noted that in Mass General Law c.40A, there is a provision allowing any work done without a permit to become a legal pre-existing non-conformity after 10 years. In the Assessor's records from 2013, this property is listed as a three-family building, so that use has been in existence for at least 12 years. As a result, he thinks that it is already a legal non-conforming use and does not understand why it requires a special permit. Mr. Leone said that he is not sure, but they wanted to come before the Board in order to get it straightened out and make sure that the records of ISD and the Assessor's Office match.

Mr. Benson asked Mr. Hefter how long he has owned the building. He replied that he has owned it for just over a year, and it was represented to him upon purchase as a three-family. He is considering selling it, and in the process, this issue came up. Mr. Benson asked if it would be difficult to convert it back to two residential units and an office. Mr. Hefter said he is not sure why anyone would want to do that, but it would mostly involve dealing with the bathroom.

Mr. Lau asked for clarification of the existing floor plans. The first floor appears to have two units, a studio and a one-bedroom, and the second and third floors have a single five-bedroom unit. Mr. Lau asked if that would make the upper unit a lodging house, the designation for a property with four or more unrelated adults. Mr. Hefter pointed out that it could be rented to a family. Mr. Leone noted that many large houses in Arlington have five bedrooms, and Mr. Hefter does not want to convert it to a lodging house. He only wants to bring ISD's records of the property into line with what is actually there, which is a property with three residential units and no office or other commercial space.

Mr. Lau asked if this request was coming from ISD or from the owner. Mr. Leone said that ISD instructed the owner to go to the Board for a Special Permit declaring the property a three-family building, which ISD would then use to change their records.

The Chair opened the floor to public comment.

- Ian Chin, 15 Walnut St – He noted that none of the documents related to this application say that the property is for sale, but there is a for-sale sign on the property and a sale is listed online as pending. The current owner does not plan to do any construction or make any changes, but a future owner might. What effect would this change of use have on what changes a future owner could make? Would declaring the property a three-family house open a path for a future owner to build something larger? He is concerned that the owner insists that no changes will be made but makes no mention of selling it in the cover letter or other documents.

Seeing no one else who wished to speak, the Chair closed public comment.

The Chair asked Mr. Hefter if a sale is pending. He replied that it is for sale, but a special permit declaring the property a three-family would actually make it more difficult for a new owner to develop the property as anything other or larger than a three-family.

Mr. Revilak said that this is an unusual case and is puzzled about why it needs a special permit. If the Board had the option to do so, he would prefer to make a finding that the property has been used as a three-family for more than ten years, and therefore it is a pre-existing non-conforming use. It seems odd to issue a special permit for a use that has been in existence for at least 12 years, but he is not opposed to it.

Mr. Benson said that much about the property is non-conforming – the lot size, the frontage, the number of stories, and possibly the open space. The lot size is 4,600 square feet, and the minimum lot area per unit for residential is supposed use to be 2,500 square feet. At two residential units, it is close to conformity, at 2,300 square feet per unit. But if the Board grants this special permit, the lot size per unit will only be 1,533 square feet, so they would be increasing the non-conformity.

Ms. Korman-Houston said that she thinks this is purely an administrative change, and it makes sense to do it, although it is an unfortunate administrative path. The Chair agreed.

Mr. Lau said that he is uncomfortable making this change. He does not have a problem with the property being a pre-existing non-compliant use. He does not see it as the Board's responsibility to fix a discrepancy between ISD and the Assessor's Office. He actually thinks it might have more value to a developer as a mixed-use property.

Mr. Benson asked what happens if it remains a three-family in the Assessor's database and a two-family with an office in ISD's records. Mr. Leone said depending on which set of records someone looks at, the owner gets different information, which has different ramifications. This is an administrative problem with the Town's records, and the Redevelopment Board is the only body who can correct it.

Mr. Revilak said that how long the current use has existed is important. If this had been converted from an office to residential use two years ago, he would say that the owner has to convert it back, because that change was not allowed. But because it has been over 10 years, it makes sense to allow it to remain.

The Chair agreed and said that granting the special permit would effectively be an administrative approval that confirms an existing use.

Mr. Benson said that he would vote for a decision that specifically says that the conversion took place more than ten years ago from a two-family with office to a three-family, and that says that ISD sent the applicant to the Board for the purpose of getting a special permit so that ISD's records could conform to the Assessor's records. He would want the decision to be that specific so as to make clear that the Board is not setting a precedent with this decision.

Mr. Lau said that he would also want the decision to acknowledge that granting the special permit increases the property's non-conformity.

The Chair asked for a motion to grant a Special Permit for Docket 3837 for the pre-existing three-family use for 1011 Massachusetts Ave. since at least 2013, to align the zoning records with the existing Assessor's records, with acknowledgement of the non-conformance of the lot regarding minimum lot area per unit. Mr. Lau so moved, Mr. Benson seconded, and the Board approved unanimously.

The Chair moved to **Agenda Item 5 – Public Hearing: Docket #3834, 30 Mystic St.**

Ms. Ricker explained that the applicant proposes to renovate the exterior of the existing two-story vacant commercial building with off-street parking located at 30 Mystic St, the former Department of Child and Families (DCF) building. The applicant proposes to establish a mixed-use building with non-profit services, including a language school, childcare center, and adult day care center. The proposal would continue the accessory parking use located on two adjacent parcels. Ms. Ricker noted that she has discussed this project with Mike Ciampa, Director of ISD. They have agreed that the language school and childcare center are protected under the Dover Amendment, but the adult day care center is not. As a result, her memo regarding Environmental Design Review of the project focuses on the adult day care use.

The applicant was represented by Architect Alan Yu. The property is two stories and approximately 25,000 square feet. They are seeking approval to convert the interior to a Chinese cultural center with three primary uses: a childcare center, an adult day care center, and a cultural and language school. The Chinese Cultural Center is a nonprofit that aims to promote culture exchanges and enrich the community. The applicant plans to make no changes to the building's exterior other than providing short-term and long-term bicycle storage. The parking lot and landscaping will remain as they currently are. The building is zoned B3 Village Business District, which they feel is appropriate for the use they propose. They hope the use of the building will not have a greater impact on traffic patterns than when the building was in use by DCF. They will offer classes and cultural services, and they hope to make a positive contribution to the community.

Mr. Revilak asked about their plans for indoor long-term bicycle parking. Mr. Yu replied that they intend to provide such space on both levels. Mr. Revilak asked about the dimensions of the elevator, and Mr. Yu replied that it will be 48 square feet. Mr. Revilak said that would likely be big enough for a six-foot-long bicycle.

Mr. Revilak asked if the first-floor accessible bathroom has a shower, and Mr. Yu replied that it does. 10 of 84

Mr. Benson asked Ms. Ricker how DPCD determined that the required number of parking spaces was 80. She said that she asked the applicant how many employees they expect to have onsite. They expect an average of 20 employees at the adult day care center per shift, and 4 spaces are required per practitioner. The applicant is proposing 76 parking spaces. They also need identify their loading spaces on their plans.

Mr. Benson asked how many staff would be working there at any given time. Mr. Yu replied they expect to have approximately 20 staff at the adult day care center and 5 or 6 at the childcare center. The language school will mostly operate on weekends, so that will not add to the weekday staff.

Mr. Benson asked how many vans the center would use for transporting people to and from the adult day care center. Mr. Yu said that they expect to have 8 vans, which will be able to park in a regular parking space. They expect to make a maximum of 11 van trips total each day. They plan to have employees and vans use the parking lot on the south side of the building, while the parents taking children to and from the day care will use the parking lot on the north side. There is also an entrance in the rear on Prescott Street which can be used by day care families arriving on foot. Mr. Benson asked for further information about how vehicles will enter and exit the site. Mr. Yu replied that the site has three vehicle entrances, one from the corner of Winslow and Prescott into the south parking lot, and one each from Prescott and Mystic into the north parking lot. The south parking lot has a narrow entrance, and it will be used by employees and by the transit vans. The north parking lot is larger and has more space to maneuver. It will be used by clients of the adult day care center who drive themselves, as well as families using the day care center. Families can drive through, drop off their children, and drive out the other side. There is also senior housing nearby, so there may be clients of the adult day care center who walk there. Mr. Benson asked if people would be entering from Mystic or Prescott or both, and Mr. Yu replied that traffic would go both ways, depending on which direction vehicles come from.

Ms. Korman-Houston noted that day care centers have extensive design requirements, including requirements for outdoor play spaces, which their plans do not show. Mr. Yu said that there are actually two fenced areas on the Prescott Street side, which they intend to use. The client is also planning to build a playground, which will take a longer time, as they are prioritizing the redevelopment of the building. They have also identified a playground nearby, which they can walk to with the children, which satisfies the state requirements.

Ms. Korman-Houston noted that the main entrance of the building is essentially into the main activity space. She encouraged them to look at that and consider creating some division between the entryway and the main space. Mr. Yu said that having a large open space is important to the program, but they will look at changing the entryway.

Mr. Lau noted that the only relief they are requesting is for parking, and that they are only a few spaces short, even before taking into account a Transportation Demand Management (TDM) plan. Ms. Ricker said that is correct, and she has requested that the applicant provide such a plan, including the proximity of additional public parking, public transportation, and shuttles. Mr. Lau said that he is comfortable providing relief on parking.

The Chair opened the floor to public comment.

- Corry Buckwalter, 47 Mystic Street – She lives across the street from this site, and she thinks it's a wonderful project for the community. She does have concerns about the traffic entering and exiting the property. The intersection is gridlocked most of the time, and the entrance into the lower parking lot is very tight. She thinks that moving the curb cut to the other side of the parking lot or adding a second curb cut to create a one-way traffic flow might be preferable.
- Steve Moore, 64 Piedmont Street – For such a major renovation, he would expect to see a landscaping plan that does more than just maintain what's already there. This area has been a heat island, with large parking lots and very little tree coverage. There is a large lawn space, but it has hardly any trees. He would like to see the applicant plant shade trees in that lawn area. The neighbors have tried to get trees planted there before, and this is a great opportunity for a change. He is also concerned about the traffic circulation. The area is already very congested, and multiple van trips every day could make it worse. He thinks a traffic management plan is critical to make sure that this already crowded area is not overloaded.
- Mark Wilke, 22 Prescott Street – He and his wife have spoken with a number of the neighbors. Their main concern is parking and traffic congestion. The intersection of Winslow and Prescott is often completely gridlocked. Residents of the neighborhood often can't get out of the neighborhood in that direction in the

morning. If they expect cars to enter and exit from the Prescott Street side, that will only add to the area's congestion. They would ask that the Board not grant this approval until there is a clearer plan from the applicant about traffic flow and congestion. If their lot already does not have enough spaces for their needs, they will park on neighboring streets, which will exacerbate the problem.

- Beth Melofchik, Russell Street – She is also concerned about traffic, and she agrees with Mr. Wilke's request that the Board not approve the plan until they have a chance to review a traffic management plan. There are issues with multiple choke points, and the Minuteman Bikeway runs alongside the Winslow Towers apartment building. She agrees with Mr. Moore that this is a great opportunity to plant trees on the large lawn and mitigate the heat island. That would be a way for both the cultural center and the landlord to show goodwill to the neighborhood. She also noted that the landlord runs the HVAC system 24/7 in the summer, and it is incredibly loud.

Seeing no one else who wished to speak, the Chair closed public comment.

The Chair noted that the change in use triggers the shade tree requirement, and the Board needs to discuss whether they want to require any shade trees, as well as whether they are comfortable with the applicant's plan to address traffic into and off of the site.

Mr. Lau said that he does not think that there is enough room on the sidewalks for shade trees. He does understand that traffic could be a problem. He said it is difficult to know ahead of time what the traffic issues will be. He thinks the decision should include a stipulation that if traffic becomes a problem, the Board may require a police presence. He does not want to stop the project due to concerns about traffic.

Ms. Korman-Houston said that the sidewalks are very narrow, and it would be difficult to place trees in them. It would be possible to plant trees in the back of the sidewalk, and it would be nice to see that. The Chair asked the applicant if they would be willing to consider adding trees. Mr. Yu said that they are in conversation with a landscape designer, and they are considering using the front lawn area to create a playground.

Ms. Korman-Houston said that she would like to know that the applicant has carefully considered the traffic issues.

Mr. Benson said that he is willing to grant relief on parking. He would like the applicant to install signs notifying people that alternative parking is available in the Russell Commons parking lot, not on side streets. Parking in the front yard setback is prohibited by Section 6.1.10.B, and quite a bit of the parking is actually in the front yard, but that is a pre-existing non-conforming use, and he is okay with that. The bylaw says that when there is no suitable location for street trees within the public way, shade trees may be proposed in spaces within the lot. He would like to see a planting plan for shade trees on the property side of the sidewalk roughly every 25 feet. The applicant should work with the Tree Warden to determine the appropriate trees to plant.

Mr. Benson said that he thinks the Board needs to see a traffic study. The material that the applicant has provided indicates that when all programs are running in full, they expect to have 100 students on weekends, 40 children in the day care during weekdays, and 100 to 150 elders in the adult day care program. That is a lot of people to be regularly moving on and off the site, so he would like to see a traffic study to determine how the circulation in and out of the site can be managed or changed to mitigate the potential disruption.

Mr. Revilak said that the things that trigger the street tree bylaw are new construction, additions over 50% of the existing footprint, or redevelopment. "Redevelopment" is not a defined term, but he does not think that an interior-only fit-out qualifies. He would not oppose a tree plan, but he does not think that the bylaw requires it in this case.

Regarding traffic and parking, Mr. Revilak is comfortable with what has been proposed and does not think a parking study is required. Parking minimums are generally derived from the assumption that everyone is arriving by car, which is clearly not the case given the use of transit vans. He would be surprised if this generated more traffic use than the previous use. Mr. Benson disagreed and said that he did not think that DCF generated much traffic.

The Chair said that the Board needs to decide if they will require a planting plan for street trees, and if they will require a traffic study, in addition to a TDM plan. Mr. Lau agreed with Mr. Revilak that a traffic study is not required. He also agreed that street trees are not required. He would like to see the applicant plant trees but does not think it should be a

requirement. He also does not think that it is fair to put the burden entirely on the applicant; the Town should plant more shade trees.

Ms. Korman-Houston also does not think that a traffic study is required. She would like to see a planting plan.

The Chair said that she thinks this proposal is a redevelopment of the property, so shade trees are required. She does not think that a full traffic study is required. A full traffic study would require the applicant to return to the Board, but both a TDM and a planting plan could be approved administratively by DPCD staff, if the Board agrees to that. The other Board members all agreed to administrative approval.

Mr. Benson moved that a traffic study be required. The motion was not seconded.

Mr. Yu pointed out that the property owner recently installed a geothermal heating system, which may affect where trees can be planted.

The Chair asked for a motion to approve the new proposed uses at 30 Mystic Street, with the stipulation that the applicant must submit and receive administrative approval from DPCD of a Traffic Demand Management plan; and that the applicant must submit and receive administrative approval from DPCD of a landscaping plan that includes the equivalent of the requirements of the public shade tree in the Zoning Bylaw for both Mystic Street and Prescott Street, with the caveat that the plantings are situated on site so as not to impede the operation of the existing geothermal system; and to find that the requested reduction in parking and the continued pre-existing non-conforming use of parking as situated on site are both approved, subject to administrative approval of the TDM plan. Mr. Lau so moved, Mr. Benson seconded, and the Board voted unanimously in favor.

The Chair moved to **Agenda Item 6 – Discussion of Citizen Petitions for 2025 Town Meeting Warrant Articles.**

The Chair explained that two residents presenting citizen petitions wished to address the Board.

Business Uses in Residential Districts, Andrew Greenspon, 89 Palmer Street

To see if the Town will vote to amend the Zoning Bylaw Section 5.4.3. USE REGULATIONS FOR RESIDENTIAL DISTRICTS to allow additional business uses in the R0, R1, R2, R3, R4, R5, R6, and R7 districts; or take any action related thereto.

This is coming out of what he has heard at previous Town Meetings about the need for more business space. He is suggesting amending the bylaw to allow several business uses in residential districts that are not currently allowed there, while maintaining all dimensional rules, height limits and setbacks. The uses he proposes allow are:

- restaurants of less than 3,000 square feet
- personal service establishments
- retail with less than 3,000 square feet
- offices with less than 3,000 square feet
- artistic/creative production

The 2015 Master Plan noted that Arlington does not have enough space for small businesses and expressed concern about areas zoned business that are used as residential. Many areas of town already have commercial uses directly adjacent to residential. Much of our current zoning is based on what existed at the time the zoning rules were put in place, rather than on a clear plan for where different uses should be. There are small pockets of business zoning throughout residential areas. Residents who live in parts of town further from Mass Ave. and Broadway or who cannot drive should have the opportunity to access basic services within a smaller range of travel just as other residents of town can. If we want Arlington to be more walkable, we should allow businesses in more areas. Allowing business uses in residential zones would provide a way for entrepreneurs to get started at a lower cost because they would not have to compete for the limited commercial space along Mass Ave.

Mr. Revilak likes the idea of creating more areas where people can create a small business. As a matter of climate policy, allowing businesses closer to where people live is an important step. He asked Mr. Greenspon if he has

spoken with Economic Development Coordinator Katie Luczai. Mr. Greenspon said that she is supportive of the proposed changes, and they intend to discuss it further.

Mr. Benson is concerned about the possibility of converting existing housing into non-residential uses. It is difficult to strike a balance between encouraging business without reducing the existing housing stock. He also noted that Arlington has quite a few empty commercial spaces, so it is not clear to him that we actually need more commercial space. He is also concerned about increasing traffic on small residential streets. He thinks it might make more sense to focus on specific main streets within residential neighborhoods rather than to allow such businesses anywhere.

Ms. Korman-Houston noted that when Ms. Luczai gave a presentation to the Board about local businesses and their needs, she explained that there is often not a good match between what businesses need and the available space. Ms. Luczai might be able to help Mr. Greenspon think about whether there are particular spaces within residential districts that would meet the needs of businesses that cannot currently find space. That could help him tailor the scope of this article a bit.

The Chair agreed with Ms. Korman-Houston and said that Arlington does not have enough of the right type of retail and restaurant space available to meet the needs of the many businesses who would like to locate here. She is not sure if the residential neighborhoods lend themselves to that type of space, or if makes more sense to locate specific nodes where commercial development could be not only allowed but also encouraged. She also thinks that it would be important to consider how the different types of businesses he proposes would impact the neighborhood in terms of their proximity to residential uses.

Mr. Lau said that he thinks the commercial uses allowed should be more clearly defined and limited. Putting a wide variety of commercial uses in residential areas is not fair to the people who live there. Businesses also rely on foot traffic and parking availability, which would be difficult to provide in residential areas. He asked Mr. Greenspon if he has spoken with any business owners or commercial realtors. He said that he has not, and Mr. Lau encouraged him to do so. He thinks some types of offices would work well in residential neighborhoods, but retail and restaurants that rely on foot traffic would not.

Mr. Greenspon said the Board has been somewhat contradictory. There is a catch-22 between allowing rezoning without the demand and allowing changes to happen to see what will happen. He also noted that his proposal includes specific types of businesses because those are the categories used in the current zoning code.

Affordable Housing Overlay District, Sanjay Newton

To see if the Town will vote to amend the Zoning Map and the Zoning Bylaw to adopt the Affordable Housing Overlay District where housing meeting certain requirements with respect to affordability may be constructed as of right (including, without limitation, amendments to Sections 2 and 5 of the Zoning Bylaw to adopt such Affordable Housing Overlay District and amendments to Sections 4.1.2 and 4.2 of the Zoning Bylaw to add reference to such Affordable Housing Overlay District); or take any action related thereto.

There is wide agreement that Arlington needs more affordable housing, and creating an easier permitting path is desirable. Four things are necessary to make affordable housing happen: sites, funding, alignment, and permits. This proposal is largely focused on permits. In order to build affordable housing, it is necessary to leverage state and federal subsidies. The Housing Corporation of Arlington (HCA) has been able to do that with three developments over the past 15 years. The smallest projects that get funded are generally at least 30 units.

Mr. Newton summarized the overlay district proposal:

- **Affordability requirements:** at least 70% of rental units restricted as Affordable. For rental, the maximum income would be 60% of area median income; For ownership the maximum income would be 70% of area median income.
- **Mixed-use:** mixed-use projects are allowed in business/industrial districts, and required in commercial centers.
- **Location:** all residential, industrial and business districts.
- **Added building height:** See the detailed table in the draft.
- **No change to minimum yard/setback requirements**

- **No change in building facade step-back requirements.**
- **Parking:** 1 parking space for every 2 dwelling units
- **AHO Projects are allowed as-of-right, pursuant to Site Plan Review by the ARB**
- **Street Tree and Stormwater Management requirements** apply
- **Specialized Stretch Code and Fossil Fuel Free Buildings Bylaw** apply

Mr. Newton said that the working group proposing the overlay district hopes that the Board will adopt it, in part because the notice requirements are too large for a citizen working group to take on.

Mr. Lau asked if for-profit developers would be incentivized to build under this overlay district. Mr. Newton replied that for-profit developers will not likely use these provisions; they are geared toward developers of affordable housing, who have expertise in that area and are most likely to be approved for state and federal funding.

Mr. Lau asked if there are specific areas that would be included in the overlay, or if it would cover the whole town. Mr. Newton replied that it would apply to the whole town. The dimensional requirements would not be the same everywhere; the height and setbacks would change based on the underlying zoning.

Mr. Lau asked how the overlay district would differ from 40B. Mr. Sanjay said that the overlay district would make the development of affordable housing a by-right process. He also noted that in a 40B process, all the zoning regulations are negotiable, but in the overlay district only specific requirements would be available for relief. Mr. Lau asked why a developer would choose to use the overlay district rather than the 40B process if 40B offers more options. Mr. Newton replied that the overlay district offers more certainty because it is a by-right process. A 40B process involves more questions about what relief might be granted.

Ms. Korman-Houston said that she appreciates how this proposal has evolved to cover all of the town. She asked if it includes provisions for homeownership. Mr. Sanjay said that it does, matching the Town's existing affordable homeownership requirements.

Mr. Benson said that he is not sure how the process of the Board taking on this proposal could work. The Board has not had time to review the proposal, and he has concerns about some details, such as including the Industrial District, and some of the height and setback proposals involved. He is open to further conversation to work those details out, but he does not see how there is enough time to work out the details, craft a main motion that the Board can agree on, and do all the required notifications.

The Chair agreed with Mr. Benson. She would like the Board to have the opportunity to have considerably more discussion around the Industrial and Business districts. She appreciates how much nuance the proposal includes and how it has evolved, but she is not sure that the Board can hold the necessary discussions and come to agreement in the time available. She would be open to having Mr. Newton come back on February 10 to review some of the specifics.

Mr. Newton said that they have created a framework. They have worked with people who have expertise in both zoning and affordable housing, and they have tried to set the details to maximize the impact.

Mr. Benson said that the bylaw requires that when a petition for a change in the zoning map is filed, the petition must show that copies of the petition have been sent by registered or certified mail to all immediate abutters. That means the petitioners would be required to send a town-wide registered or certified notice by the time they file the warrant article, which must be done no later than January 31, when the warrant closes. The Chair disagreed and said that the registered or certified mailing needs to take place before the public hearing not before filing. She suggested getting an opinion from Town Counsel. Mr. Benson noted that this has been an issue before, and at the time, Town Counsel provided an opinion that Mr. Benson disagreed with, and he will disagree again if he provides the same opinion.

The Chair moved to **Agenda Item 9 – Open Forum.**

The Chair opened the floor:

- Carl Wagner – He appreciates the fact that the Board is using microphones this week. He also appreciates the Board's review of Mr. Greenspon's article. It can work to have businesses at the end of blocks to make neighborhoods more walkable, but having businesses interspersed with residences creates problems. He is part of Arlington Residents for Responsible Development, which is very concerned about the process of the Affordable Housing Overlay District. It would be a huge change for the town, and most people are unaware of it. The Town should lead a process with a working group subject to Open Meeting Law, as was the case with the MBTA Communities Working Group. He would like the Board to push this issue back until there is a truly public process.
- Rebecca Peterson, Florence Ave. – She agreed with Mr. Wagner's comments. No one she has spoken to knows anything about the affordable housing overlay, and she thinks more needs to be done to make people aware. The proposed changes are huge, and she thinks that it is too much on the heels of the MBTA Communities process. The height ranges for residential neighborhoods are extreme. A four- or five-story building on a single-family lot would block sunlight from neighbors' yards, encourage trees to be torn down, and eliminate privacy. She is also not in favor of the proposal to allow businesses in residential districts. Most people living in residential districts would not welcome the noise, trash, and traffic that would accompany a restaurant or nail salon next to their home, even if that business is less than 3,000 square feet. Most types of businesses are not well-suited to residential neighborhoods. There are very limited exceptions for businesses that would not involve additional traffic coming into the neighborhood.

Seeing no one else who wished to speak, the Chair closed the floor.

The Chair moved to **Agenda Item 10 – New Business.**

Ms. Ricker said that she and Town Manager James Feeney received a letter from Ed Augustus, Secretary of Housing and Livable Communities, that clarifies that Arlington remains compliant with the MBTA Communities Law under EOHLC's emergency regulations. The Supreme Judicial Court recently issued a decision that the MBTA Communities Law is legal and enforceable, but they raised some questions about the guidelines relating to the law, so EOHLC has issued new emergency regulations.

The Chair asked for a motion to adjourn. Mr. Lau so moved, and Mr. Benson seconded. The Board voted and approved unanimously.

Meeting **Adjourned at 11:04 pm.**

Documents used:

- Agenda Item 1 Draft Meeting Minutes – January 13, 2025
- Agenda Item 2 1207-1211 Mass Ave. – Permit extension memo
- Agenda Item 3 1323 Mass Ave. – EDR application
1323 Mass Ave. – current photo
1323 Mass Ave. – sign application
1323 Mass Ave. – Legal Notice
EDR memo – 1323 Mass Ave. – 01212025
- Agenda Item 4 EDR Special Permit Application 1011 Mass Ave. 12 23 24 submission
Cover letter SP – EDR Criteria 1011 Mass Ave.
1011 Mass Ave. – Existing Conditions – 12-20-24 interior
1011 Massachusetts Avenue pictures and maps
1011 Mass Ave. plot plan
1011 Mass Ave. deed
1011 Mass Ave. TOA information 12 23 24
1011 Mass Ave. – Legal Notice
EDR memo – 1011 Mass Ave. – 01172025
- Agenda Item 5 30 Mystic Street – ARB EDR Application
30 Mystic Street – Drawings and Photos of Existing Conditions
30 Mystic Street – Drawings of Proposed Structure
30 Mystic Street – Proposed Landscaping
30 Mystic Street – Additional Materials
30 Mystic Street – LEED checklist
30 Mystic Street – solar evaluation 1
30 Mystic Street – solar evaluation 2
30 Mystic Street – 20250122 Additional Questions
30 Mystic Street – Bike Rack Spec
012720205 Dover Amendment Memo and Reply
30 Mystic St – Legal Notice
EDR memo – 30 Mystic St – 01-23-2025
- Agenda Item 6 2025 Warrant – Greenspon – Business Uses in R Zones
Jan2025 ARB – Creating More Affordable Housing
Arlington Affordable Housing Overlay – Draft Warrant Article Petition
- Agenda Item 7 Proposed Warrant Article Hearing Schedule 2025
Abutters notification handout
2025 ATM ARB Hearing Schedule



Town of Arlington, Massachusetts

Discussion of Affordable Housing Overlay District Warrant Article

Summary:

7:35 pm The Board will discuss the warrant article for an Affordable Housing Overlay District proposed by a citizen working group.

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Arlington_Affordable_Housing_Overlay_-_Draft_Bylaw_-_Feb10ARB.pdf	Arlington Affordable Housing Overlay - Draft Bylaw - Feb10ARB

The existing Section 5.10 of this Bylaw is hereby renumbered to be Section 5.11 (and each subsection of the existing Section 5.10 is hereby renumbered to reflect that it is a subsection of Section 5.11). Each reference in this Bylaw (or a subsection thereof) is hereby amended to refer to Section 5.11 of the Bylaw (or the applicable subsection thereof). The following is added as a new Section 5.10 to this Bylaw:

5.10 AFFORDABLE HOUSING OVERLAY DISTRICT

5.10.1. Purpose

The purposes of this Section 5.10 are to:

- (1) Promote the public good by supporting the development of affordable housing.
- (2) Ensure predictable, fair and cost-effective development review and permitting of AHO Projects (as hereinafter defined).
- (3) Promote the Town of Arlington's stated housing goals as outlined in the Arlington Housing Plan by allowing AHO Projects as of right, subject to the provisions of this Section 5.10.
- (4) Promote the Town of Arlington's planning goals of achieving greater socioeconomic diversity and a more equitable distribution of affordable housing Town-wide.

5.10.2. Establishment

The Affordable Housing Overlay District is hereby established as an Overlay District and applies over all now or hereafter existing underlying zoning districts or other overlay districts in the Town, except for the Open Space District, Transportation District, Mixed Use District and Planned Unit Development District.

5.10.3. Applicability and Relationship to Underlying Zoning

The Affordable Housing Overlay District does not replace existing underlying zoning districts or other overlay districts but is superimposed over them. The provisions of this Section 5.10 apply to developments on parcels located in the Affordable Housing Overlay District when the AHO Project proponent has elected to comply with the requirements of the Affordable Housing Overlay District rather than comply with those of the applicable underlying zoning districts or other overlay districts. In other words, a development may comply with one of any of the requirements of: (i) the existing underlying zoning; (ii) another overlay district; or (iii) the Affordable Housing Overlay District, but not two or more, on the same parcel or parcels.

If an AHO Project contains two or more contiguous parcels, each of which are situated in different underlying zoning districts or other overlay districts, the proponent may choose to extend the underlying zoning district or other overlay districts of one parcel to the other parcel or parcels for a maximum of one single parcel depth. By way of example only, if an AHO Project contains two contiguous parcels, one in the R1 District and one in the R2 District, the proponent may treat both parcels as if they are in the R2 District.

5.10.4. Use Regulations

A. The following uses are allowed in the Affordable Housing Overlay District:

- (1) Except for parcels located in the Industrial District, accessory dwelling unit;
- (2) Multi-family dwelling, multi-family housing;
- (3) Townhouse;
- (4) Apartment building;
- (5) Single-room occupancy building;
- (6) Group home;
- (7) Assisted living residence; and

- (8) Except for parcels located in the R0, R1 and R2 Districts that do not abut Massachusetts Avenue or Broadwa, mixed-use (which may include, without limitation, a Community Service Facility), provided that non-residential uses are accessory to a principal residential use and are located on the basement, first and/or second floor levels of an AHO Project.
- B. The following uses are also allowed in the Affordable Housing Overlay District, except in the B3 and B5 Districts:
- (1) Single-family detached dwelling;
 - (2) Two-family dwelling;
 - (3) Duplex dwelling;
 - (4) Six or more single-family dwellings, or six or more units, in two-family dwellings and/or duplex dwellings on one or more contiguous lots; and
 - (5) Three-family dwelling.
- C. An AHO Project in the B3 and B5 Districts shall be Mixed-Use, provided that:
- (1) The ground floor at the street level of an AHO Project shall be at least 60% occupied by non-residential uses (which may include, without limitation, a Community Service Facility); and
 - (2) The ground floor at the street level of an AHO Project shall have frontage at least 80% occupied by such non-residential uses;
 - (3) The second floor of an AHO Project may be at least 40% occupied by such non-residential; and
 - (4) The third floor of an AHO Project and above must be 100% occupied by the residential uses allowed by this Section 5.10.

5.10.5. Dimensional Regulations

The dimensional and density requirements in this Section 5.10.5 apply to principal and accessory uses and structures in the Affordable Housing Overlay District.

- A. Maximum Height: The maximum height of buildings in the Affordable Housing Overlay District shall be as set forth in the below table:

Underlying District	Height	
	Stories	Feet
R0, R1, R2	3½	40
R3, R4, R5, R6, B1	5	55
R7	7	85
B2 if lot is ≤ 20,000 sq ft	6 5	75 65
if lot is > 20,000 sq ft		
B2A if lot is ≤ 20,000 sq ft	7 6	85 75
if lot is > 20,000 sq ft		

B3	7	85
B4 if lot is ≤ 20,000 sq ft if lot is > 20,000 sq ft	7 6	85 75
B5	7	85
I	7	85

- B. Yards (Front, Side, Rear): The minimum front, side and rear yard for AHO Projects shall be the least of the following: (i) the smallest setback allowed in the applicable underlying zoning district; (ii) the same required pursuant to applicable requirements of another overlay district (including, without limitation, any reduction allowed pursuant to Section 5.9 of this Bylaw); (iii) the average prevailing setback (including those of any existing structures); or (iv) the existing non-conforming setback of any existing structure on the lot on which an AHO Project is proposed. The requirements of Section 5.3.9 (Projections into Minimum Yards) of this Bylaw shall apply to AHO Projects.
- C. Other Dimensional Requirements:
Other dimensional and density requirements of this Bylaw shall not apply to AHO Projects, without limitation:
- (a) Section 5.3.1 Lot Area Per Dwelling Unit does not apply.
 - (b) Section 5.3.2 Reduction of Lot Areas and Separation of Lots does not apply.
 - (c) Section 5.3.3 Spacing of Residential and Other Buildings on One Lot does not apply.
 - (d) Section 5.3.4 Spacing of Nonresidential Buildings on the Same Lot does not apply.
 - (e) Section 5.3.5 Land Area Included in Calculation of Floor Area Ratio does not apply.
 - (f) Section 5.3.6 Exceptions to Maximum Floor Area Ratio Regulations (Bonus Provisions) does not apply.
 - (g) Section 5.3.8 Corner Lots and Through Lots does not apply.
 - (h) Section 5.3.11 Dimensional Requirements for Courts does not apply.
 - (i) Section 5.3.12 Traffic Visibility does not apply.
 - (j) Section 5.3.14 Townhouse Structures does not apply.
 - (k) Section 5.3.18 Balconies and Roof as Portion of Usable Open Space does not apply.
 - (l) Section 5.3.19 Height Buffer Area does not apply.
 - (m) There are no requirements for minimum or maximum, as applicable, lot size or lot area, lot area per dwelling unit, lot frontage, landscaped or usable open space, Floor Area Ratio, or lot coverage.
 - (n) Section 5.4.2.B(6) Exceptions to Minimum Lot Area, Front Yard Lot Width, Frontage, Open Space, Side Yard, and Height Requirements in the RO, R1, and R2 Districts for Large Additions does not apply.

For purposes of Section 5.3.7 Screening and Buffers: Industrial Business Districts and Parking Lots, and Section 5.3.21.A Supplemental Requirements in the Business and Industrial Districts, a

parcel with an AHO Project located thereon, or a parcel eligible for an AHO Project, is not a “residential lot”.

5.10.6. Affordable Housing Requirements

- A. A minimum of 70% of the dwelling units in an AHO Project must be made available for a period of 30 years to households whose average income at the time of initial occupancy does not exceed 60% of Area Median Income, adjusted for household size. The proponent of an AHO Project may, at his, her or its election, satisfy the requirements of this Section 5.10.6.A by satisfying the “average income test” under Section 42(g)(1)(C) of the Internal Revenue Code and the regulations thereunder (in each case, as amended from time to time) or any replacement thereof from time to time with respect to 70% of the dwelling units in such AHO Project.
- B. Section 8.2 Affordable Housing Requirements of this Bylaw shall not apply to an AHO Project.

5.10.7. Approval of AHO Projects

- A. Development meeting the requirements of this Section 5.10 is As of Right Development, subject to Site Plan Review as set forth in this Section 5.10.7.
- B. Development under this Section 5.10 requires Site Plan Review by the Arlington Redevelopment Board (ARB). The ARB shall provide Site Plan Review for AHO Projects using, as applicable, the Environmental Design Review Standards set forth in Section 3.4.4 of this Bylaw, the Residential Design Guidelines, the ARB Rules and Regulations, and other Guidelines that may be adopted. Site Plan Review may include, but not be limited to, site layout, including lighting, landscaping and buffers, architectural style, outdoor amenities, and open spaces.
- C. In the course of Site Plan Review, the ARB shall have discretion to waive strict adherence of any proposed AHO Project to any of the requirements or guidelines outlined in this Section 5.10, upon finding that such AHO Project is in furtherance of the purpose and intent of this Section 5.10.

5.10.8. Off-Street and Bicycle Parking

- A. Except as otherwise provided in this Section 5.10, the off-street parking and loading requirements of Section 6.1 shall apply to AHO Projects. The minimum number of off-street parking spaces required for AHO Projects shall be as set forth on the following table:

Use	Minimum Number of Spaces
Residential Uses	
Single-family dwelling; two-family dwelling; duplex dwelling; six or more single-family dwellings, or six or more units, in two-family dwellings and/or duplex dwellings, on one or more contiguous lots; three-family dwelling; multi-family housing; townhouse; apartment building; single-room occupancy building; group home; assisted living residence.	0.50 space per dwelling unit
Non-Residential Uses	
Mixed-use development and non-residential uses allowed pursuant to Sections 5.10.4(13) and (14) of this Bylaw.	The first 3,000 square feet of non-residential space is exempt from the parking requirements of Section 6.1, as described in Section 6.1.10.C, of this Bylaw.

- B. AHO Projects are encouraged to consider providing fewer parking spaces than required by this Section 5.10 under the provisions of Section 6.1.5 of this Bylaw, Parking Reduction in Business, Industrial, and Multi-Family Residential Zones, which shall apply in the Affordable Housing Overlay District.

5.10.9. Standards for Existing Buildings

A building that is in existence as of the effective date of this Section 5.10 and does not conform to the standards set forth in Section 5.10.5 above may be altered, reconstructed, extended, relocated, and/or enlarged for use as an AHO Project as of right in accordance with the standards set forth below in this Section 5.10.9. Except as otherwise provided, the required dimensional characteristics of the building(s) and site shall be those existing at the time of the conversion to an AHO Project if they do not conform to the standards of Section 5.10.5. The following modifications shall be permitted as of right, notwithstanding the limitations set forth in Section 8.1 of this Bylaw:

- A. Construction occurring entirely within an existing structure, including the addition of gross floor area within the interior of the existing building envelope, and including any increase to the number of dwelling units within the existing building, provided that the resulting number of stories is not more than the greatest of (i) the existing number of stories, (ii) the existing height of the structure divided by 11-2/3 feet or (iii) the number of stories allowed under Section 5.10.6.
- B. The relocation, enlargement, or addition of windows, doors, skylights, or similar openings to the exterior of a structure.
- C. The installation of exterior features necessary for the existing structure to be adapted to meet accessibility standards for persons with disabilities, including but not limited to walkways, ramps, lifts, or elevators, which may otherwise violate or increase the nonconforming nature of said structure under the requirements of Section 5.10.5.
- D. The repair, reconstruction, or replacement of any preexisting nonconforming portions of a structure including but not limited to porches, decks, balconies, bay windows and building additions, provided that the repair, reconstruction or replacement does not exceed the extent of such preexisting nonconformity.
- E. Any other alterations, additions, extensions, or enlargements to an existing structure that do not increase the nonconforming nature of said structure under the requirements of Section 5.10.5. The provisions of Section 5.4.2.B(6) shall not apply to AHO Projects.

5.10.10. Affordable Housing Administration

- A. Occupancy permits may be issued for market-rate units in an AHO Project prior to the end of construction of the entire AHO Project provided that occupancy permits for affordable units within such AHO Project are issued simultaneously on a pro rata basis.
- B. The affordable units shall be subject to a marketing plan approved by the Department, consistent with federal and state fair housing laws and the Town of Arlington's approved Affirmatively Furthering Fair Housing plan and policies, on file with the Department.

5.10.11. Solar Energy Systems

Compliance of an AHO Project with the requirements of Section 6.4 of this Bylaw shall be determined as part of the Site Plan Review required for AHO Projects in place of Environmental Design Review. Further, if an AHO Project qualifies to receive state and/or federal tax credits for solar electricity or solar hot water systems or otherwise qualifies for funding under any state or federal programs, including

without limitation, those administered by the Commonwealth of Massachusetts Executive Office of Housing and Livable Communities pursuant to the then-current Qualified Allocation Plan, in connection with which the AHO Project commits to provide on-site solar photovoltaics and/or on-site solar hot water generation, no minimum percentage of roof area or parking structure area shall be required to be covered by such solar systems in order to satisfy the requirements of Section 6.4.1 of this Bylaw.

5.10.12. **Severability**

This Section 5.10 is promulgated pursuant to the authority of G.L. c. 40A, as applicable. If any provision of this Section 5.10 is found to be invalid by a court of competent jurisdiction, the remainder of Section 5.10 shall not be affected but shall remain in full force and effect. The invalidity of any provisions of this Section 5.10 shall not affect the validity of the remainder of this article.

Other Amendments to Existing Bylaw:

Section 2 (Definitions) of this Bylaw is hereby amended as follows:

Affordable Housing Overlay District: The Affordable Housing Overlay District created pursuant to Section 5.10 of this Bylaw.

AHO Project: The construction of a new building or buildings and/or the modification and/or rehabilitation of an existing building or buildings, any of which may be developed on a single lot or parcel of land or across multiple lots or parcels of land, comprising any permitted single or mix of uses as provided for under Section 5.10 of this Bylaw.

Community Service Facility: As defined in Section 42(d)(4)(C)(iii) of the Internal Revenue Code and the regulations thereunder (in each case, as amended from time to time).

Department: The Town of Arlington Department of Planning and Community Development.

Average prevailing setback: The average setback of all existing buildings on a block, as described in Section 5.3.10 of this Bylaw with respect to residential lots, that would be applicable to any vacant lot setback under Section 5.3.10 of this Bylaw, regardless of the setback required by applicable underlying zoning or another overlay district.

Existing non-conforming setback: The setback of any existing building, regardless of the setback required by applicable underlying zoning or another overlay district.

Section 5.3.10 (Average Setback Exception to Minimum Front Yard) of this Bylaw is hereby amended as follows:

“Where the required lot frontage of developed residential lots along a block amounts to more than 50% of the block frontage, **or in any case in the Affordable Housing Overlay District,** and where **the development along** said **block development** has an average setback less than that required by this bylaw, then any vacant lot setback for a residential, **or in the Affordable Housing Overlay District, residential and/or non-residential,** use may be reduced to said average of the existing development.”

Section 5.3.16 (Yards or Setbacks for Lots Adjoining a Street or Public Open Space) of this Bylaw is hereby amended as follows:

“In cases subject to Section 3.4, Environmental Design Review, the Arlington Redevelopment Board in evaluating the proposal may grant a special permit, **or in the case of AHO Projects, may grant a waiver during Site Plan Review,** to adjust the required setbacks set forth elsewhere in this Bylaw to account for specific conditions unique to the proposal.”

Section 5.3.18 (Balconies and Roof as Portion of Usable Open Space) of this Bylaw is hereby amended as follows:

“The Board of Appeals or Arlington Redevelopment Board, as applicable, may grant a special permit, **or in the case of AHO Projects, may grant a waiver during Site Plan Review to allow,** that private balconies with a least dimension of six feet and open space on a roof not more than 10 feet above the level of the lowest story used for dwelling purposes may be counted up to 50% of the usable open space requirement. The proponent’s application shall include drawings which depict surface materials, planting areas, fences, railings, benches, access, and other similar items.”

Section 6.3.2 (Public Shade Trees – Applicability) of this Bylaw is hereby amended as follows:

“In the Business, Residential, **Affordable Housing Overlay** and Multi-Family Housing Overlay Districts, new construction, additions over 50% of the existing footprint, or redevelopment shall provide one public shade tree every 25 linear feet of lot frontage along the public way where there is not already a public shade tree.”



Town of Arlington, Massachusetts

Discussion of Board Articles for 2025 Town Meeting Warrant Articles

Summary:

8:00 pm The Board will discuss main motion language for warrant articles submitted by the Board for 2025 Annual Town Meeting.

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	DRAFT_ATM_2025_ARB_ZONING_BYLAW_AMENDMENTS_02-06-2025.pdf	DRAFT ATM 2025 ARB ZONING BYLAW AMENDMENTS 02-06-2025
▢ Reference Material	Proposed_Revised_Warrant_Article_Hearing_Schedule_2025.pdf	Proposed Revised Warrant Article Hearing Schedule 2025
▢ Reference Material	760_CM_71_-_FINAL_1-17-25.pdf	760 CMR 71 - FINAL 1-17-25
▢ Reference Material	Arlington11496A_Article_27_-_AG_Comments_on_ADU.pdf	Arlington11496A Article 27 - AG Comments on ADU
▢ Reference Material	DRAFT_ATM_2025_ARB_ARTICLES_A__B__E__G_-_EBB_edits.pdf	DRAFT ATM 2025 ARB ARTICLES A, B, E, G - EBB edits



Town of Arlington

ARLINGTON REDEVELOPMENT BOARD

**2025 Annual Town Meeting
DRAFT Zoning Bylaw Amendments**

as of February 6, 2025

Introduction and Overview

The Arlington Redevelopment Board (ARB) is the Town's Planning Board, under M.G.L. Chapter 41 § 81. There are five members of the Board. Four are appointed by the Town Manager and the fifth is a gubernatorial designee appointed by the Massachusetts Executive Office on Housing and Livable Communities. The ARB serves as the Town's special permit granting authority for projects which require an Environmental Design Review (EDR) as identified in the Zoning Bylaw. The ARB is also the Town's Urban Renewal Authority under M.G.L. Chapter 121; with Town Meeting approval, the Board may hold property to improve and rehabilitate them to meet community development goals.

The members of the ARB are as follows:

Rachael Zsembery, Chair (term through 6/30/2026)
Kin Lau, Vice Chair (term through 1/31/2027)
Eugene Benson (term through 1/31/2026)
Shaina Korman-Houston (term through 1/31/2026)
Stephen Revilak (term through 9/22/2028)

Claire Ricker, AICP, Director of the Department of Planning and Community Development, serves as Secretary Ex-Officio to the ARB.

In accordance with the provisions of the Town of Arlington, Massachusetts Zoning Bylaw and Massachusetts General Laws Chapter 40A, a public hearing will be held by the Arlington Redevelopment Board (ARB) on:

1. **Monday, February 24, 2025**, beginning at 7:30 PM, to hear Articles A through G, in the Arlington Community Center, Main Room, 27 Maple Street, Arlington, MA.
2. **Monday, March 10, 2025**, beginning at 7:30 PM, to hear any Articles A through G not heard at the previous meeting, in the Arlington Community Center, Main Room, 27 Maple Street, Arlington, MA.
3. **Monday, March 17, 2025**, beginning at 7:30 PM, to hear Articles O through T, in the Arlington Community Center, Main Room, 27 Maple Street, Arlington, MA.
4. **Monday, March 24, 2025**, beginning at 7:30 PM, to hear Articles H through N, in the Arlington Community Center, Main Room, 27 Maple Street, Arlington, MA.
5. **Monday, April 7, 2025**, beginning at 7:30 PM, to deliberate and vote on Articles A through T, in the Arlington Community Center, Main Room, 27 Maple Street, Arlington, MA.

The articles are presented in the order in which they will appear in the Warrant for Annual Town Meeting and as shown in the meeting details above. The ARB will hear public comments on the proposed amendments to the Zoning Bylaw. After receiving public comments, the ARB will make recommendations on the proposed amendments for Annual Town Meeting, which will begin on Monday, April 28, 2025.

The draft language of the proposed amendments to the Zoning Bylaw may be viewed at the front counter of the Department of Planning and Community Development at 730 Massachusetts Avenue, at the Robbins Library at 700 Massachusetts Avenue, or viewed and downloaded from the Redevelopment Board webpage of the Town's website at www.arlingtonma.gov/arb.

Contact Claire Ricker, Director of Planning and Community Development, at 781-316-3092 or cricker@town.arlington.ma.us with any questions or comments.

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Summary of Recommended Votes of the Redevelopment Board

This page is reserved for a listing of all final votes taken by the Board.

ARTICLE A:

ACCESSORY DWELLING UNITS

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE A ZONING BYLAW AMENDMENT / ACCESSORY DWELLING UNITS

To see if the Town will vote to amend Section 2: Definitions, Section 5.4.2.B.(6) Large Additions, Section 5.4.2.B.(7) Garages, Section 5.10.2 Accessory Dwelling Units, and Section 6.1.4 Parking, of the Zoning Bylaw, to revise the requirements for permitting accessory dwelling units as-of-right or by special permit; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend Section 2-6, Definitions Associated with Dwelling, as follows:

Accessory Dwelling Unit: A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, as defined in M.G.L ch.40A.

Amend Section 5.10.2. Accessory Dwelling Units, as follows:

B. Requirements

- (1) In any Residential District or Business District, an accessory dwelling unit is permitted as an accessory use to any single-family dwelling, two-family dwelling, or duplex dwelling, if all of the following conditions are met:
 - a) An accessory dwelling unit shall be not larger in floor area than one-half the floor area of the principal dwelling or 900 square feet, whichever is smaller. For the avoidance of doubt, where an accessory dwelling unit is created by converting a portion of an existing principal dwelling to an accessory dwelling unit, the floor area of the resulting accessory dwelling unit shall be measured relative to the floor area of the resulting principal dwelling (as affected by or in connection with the conversion).
 - b) Any alteration causing an expansion of or addition to a building in connection with an accessory dwelling unit shall be subject to the provisions of Section 5.4.2.B(6) if and to extent section 5.4.2.B(6) is otherwise applicable to such alteration or addition.
 - c) An accessory dwelling unit shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling, sufficient to meet the requirements of the State Building Code for safe egress.
 - d) No more than one (1) accessory dwelling unit is allowed per principal dwelling unit, except as permitted by special permit if the Zoning Board of Appeals, acting pursuant to Section 3.3, finds that the creation of an additional accessory dwelling unit is not substantially more detrimental to the neighborhood than the use of such accessory building as a private garage or other allowed use.
 - e) An accessory dwelling unit may be located in (i) the same building as the principal dwelling unit or as an expansion to such building; (ii) a building that is attached to the

principal dwelling unit; or (iii) an accessory building, which accessory building shall not constitute a principal or main building by the incorporation of the accessory dwelling unit, provided that if such accessory building is located within 6 feet of a lot line then such accessory dwelling unit shall be allowed only if the Board of Appeals, acting pursuant to Section 3.3, grants a special permit upon its finding that the creation of such accessory dwelling unit is not substantially more detrimental to the neighborhood than the use of such accessory building as a private garage or other allowed use.

- f) An accessory dwelling unit shall not be used as a short-term rental, in accordance with Title V, Article 18, Section 3 of the By-Laws of the Town of Arlington.
 - g) An accessory dwelling unit shall be subject to all applicable requirements of the State Building Code and State Fire Code (including any such requirements, if and as applicable, which prohibit openings, including windows, in exterior walls of dwellings located within a certain distance from the property line).
- (2) The creation or addition of an accessory dwelling unit shall not change the zoning classification of the property in question and shall not affect any zoning relief previously obtained for such property. By way of example only (and without limitation), a single-family dwelling having an accessory dwelling unit shall continue to be classified as a single-family dwelling for single-family use under the Zoning Bylaw; a two-family dwelling having an accessory dwelling unit shall continue to be classified as a two-family dwelling for two-family use under the Zoning Bylaw; and a duplex having an accessory dwelling unit shall continue to be classified as a duplex dwelling for duplex use under the Zoning Bylaw.
- (3) No off-street parking spaces are required in connection with the creation or addition of an accessory dwelling unit.
- (4) An accessory dwelling unit shall not be owned separately from the principal dwelling unit with which such accessory dwelling unit is associated.

C. Administration

- ~~(1) Prior to the issuance of a building permit for an accessory dwelling unit, the owner must deliver an affidavit to the building inspector stating that the owner or a family member of the owner will reside in either the principal dwelling unit or the accessory dwelling unit upon completion of the accessory dwelling unit.~~
- ~~(2) The creation or addition of an accessory dwelling unit to a principal dwelling unit shall not be subject to the foregoing paragraph 5.9.2.C(1) if the principal dwelling unit and accessory dwelling unit are owned by a non-profit or governmental entity and the accessory dwelling unit is restricted as an affordable unit.~~
- ~~(3) In the event of any conflict or inconsistency between the provisions of this Section 5.910.2 or Section 8.1.3.D, on the one hand, and any other provisions of this Bylaw, the provisions of this Section 5.910.2 and Section 8.1.3.D shall govern and control.~~

ARTICLE B: TRANSPORTATION DEMAND MANAGEMENT PLAN

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE B ZONING BYLAW AMENDMENT / TRANSPORTATION DEMAND MANAGEMENT PLAN

To see if the Town will vote to amend Section 6.1.5 Parking Reductions in Business, Industrial, and Multi-Family Residential Zones, of the Zoning Bylaw, to adjust the requirements for Transportation Demand Management plans and methods; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend SECTION 6.1.5, as follows:

6.1.5 Parking Reduction in Business, Industrial, and Multi-Family Residential Zones

- C. Transportation Demand Management (TDM): Any request for parking reduction must include a plan to reduce demand for parking. TDM provides incentives to reduce the use of Single Occupant Vehicles and encourages the use of public transit, bicycling, walking, and ridesharing. All projects with more than ten residential units and/or less than 3,000 square feet of commercial space requesting a parking reduction must employ at least three TDM methods described below. Projects with less than ten residential units and/or less than 3,000 square feet commercial space must employ at least two TDM methods described below:

- (1) Charge for parking on-site;
- (2) Pay a stipend to workers or residents without cars;
- (3) Provide preferential parking for carpooling vehicles;
- (4) Provide a guaranteed emergency ride home;
- (5) Provide transit pass subsidies;
- (6) Provide covered bicycle parking and storage, if otherwise not required;
- (7) Provide bicycle or car sharing on site;
- (8) Provide showers for business or industrial uses;
- (9) Be located within 600 feet of a transit stop
- (10) ~~{9}~~ Other means acceptable to the applicable Special Permit Granting Authority.

ARTICLE C:

DELETE INLAND WETLAND OVERLAY DISTRICT

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE C ZONING BYLAW AMENDMENT / DELETE INLAND WETLAND OVERLAY DISTRICT

To see if the Town will vote to delete Sections 4.1.2(2) and 5.8, Inland Wetland District, of the Zoning Bylaw, and adjust the numbering of subsequent sections; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend SECTION 4.1.2, Overlay Districts, as follows:

4.1.2. Overlay Districts

- (1) Floodplain District
- ~~(2) Inland Wetland District~~
- ~~(3)~~ (2) Multi-Family Housing Overlay Districts

Delete SECTION 5.8, Inland Wetland District, as follows:

~~5.8 INLAND WETLAND DISTRICT~~

~~5.8.1 Purpose~~

~~The purpose of Section 5.8 is to:~~

- ~~A. Preserve and protect the streams, water bodies, and other watercourses, including wetlands, in the Town of Arlington.~~
- ~~B. Protect the health and safety of persons and property against the hazards of flooding and contamination.~~
- ~~C. Preserve and maintain the groundwater table for potential water supply purposes.~~
- ~~D. Protect the community against the detrimental use and development of lands adjoining such watercourses.~~
- ~~E. Conserve the watershed areas in Arlington for the health, safety, and welfare of the public.~~

~~5.8.2 Definition~~

~~The Inland Wetland District is superimposed over any other district established by this Bylaw and includes the following areas:~~

- ~~A. All lands within the elevations shown on the Wetland and Floodplain Overlay Map of the Zoning Map and designated as wetlands as defined by the Massachusetts Wetlands Protection Act, G.L. c.131 §40, and the implementing regulations, 310 CMR 10.00, as well as the Town of Arlington Bylaw for Wetlands Protection (Title V, Article 8), and the Wetland~~

Protection Regulations (Regulations) promulgated thereunder. These include lakes, ponds and swamps.

- B. All land area along all perennial rivers, brooks, and streams as defined by the Massachusetts Wetlands Protection Act, G.L. c.131 §40, and the implementing regulations, 310 CMR 10.00, as well as the Town of Arlington Bylaw for Wetlands Protection (Title V, Article 8), and the Wetland Protection Regulations (Regulations) promulgated thereunder for a horizontal distance of 200 feet from the center line thereof are included in the Inland Wetland District.
- C. All lands designated on the zoning map as having a shallow depth to water table. These lands are the poorly and very poorly drained mineral soils, and very poorly drained soils formed in organic deposits. Poorly drained mineral soils have a water table at or near the surface for at least 7 to 9 months during the year. The water table remains at or close to the surface of very poorly drained mineral and organic soils throughout most of the year.

5.8.3. Applicability

Any proposed use to be located within the limits of the Inland Wetland District as determined by the Building Inspector under Section 3.1 of this Bylaw shall be governed by all regulations of this Section as well as all other applicable provisions of this Bylaw.

5.8.4. Permitted Uses

Municipal use, such as waterworks, pumping stations, and parks, is permitted under this section. Land in the Inland Wetland District may be used for any purpose otherwise permitted in the underlying district except that:

- A. No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure (except flagpoles, signs, and the like) intended for permanent use shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued. However, a structure existing at the time this Bylaw becomes effective may be reconstructed or repaired after a fire or other casualty, as provided in Section 8.1.8 of this Bylaw.
- B. Dumping, filling, excavating, or transferring of any earth material within the district is prohibited unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued. However, this paragraph does not prohibit ordinary gardening activities in lawn or garden areas which are used for such purposes at the time this Bylaw became effective.
- C. No ponds or pools shall be created or other changes in watercourses, for swimming, fishing, or other recreational uses, agricultural uses, scenic features, or drainage improvements or any other uses unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued.

5.8.5. Procedures

Applications for a special permit shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority and G.L. c. 40A, as outlined in Section 3. Such conditions shall include, where applicable, approval by the Board of Appeals, Arlington Redevelopment Board, Conservation Commission, the Massachusetts Department of Environmental Protection, and/or the

Massachusetts Department of Transportation under Chapter 131 of the General Laws, acts relating to the protection of the inland wetlands of the Commonwealth.

5.8.6. Development Conditions

- A. For the development of land within the Inland Wetland District, the following conditions shall apply:
 - (1) A minimum of six test borings to a minimum depth of eight (8) feet shall be taken; three of which shall be within the area of the proposed structure and three within 25 feet of the outside walls of the structure, but not closer than 10 feet. A report by a soil scientist or qualified engineer shall accompany the test data.
 - (2) The floor level of areas to be occupied by human beings as living or work space shall be four (4) feet above the seasonal high water table and not subject to periodic flooding.
 - (3) If the basement floor level is below the seasonal high water table and affords the possibility of human occupancy at some future date, although not originally intended, adequate perimeter drainage and foundation shall be installed to withstand the effect of pressure and seepage. Furnace and utilities are to be protected from the effects of leaching.
 - (4) Safe and adequate means of vehicular and pedestrian passage shall be provided in the event of flooding of the lot(s) or adjacent lot(s) caused by either the overspill from water bodies or high runoff.
- B. The developer shall show that the proposed development will not endanger health and safety, including safety of gas, electricity, fuel, and other utilities from breaking, leaking, short-circuiting, grounding, igniting or electrocuting; shall not obstruct or divert flood flow; substantially reduce natural floodwater storage capacity; destroy valuable habitat for wildlife; adversely affect groundwater resources or increase storm water run-off velocity so that water levels on other land are substantially raised or the danger from flooding increased.

Renumber subsequent Sections as appropriate.

ARTICLE D: DEFINITION OF LOT COVERAGE

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE D ZONING BYLAW AMENDMENT / DEFINITION OF LOT COVERAGE

To see if the Town will vote to amend Section 2: Definitions, of the Zoning Bylaw, to add a new definition, Lot Coverage; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend SECTION 2, Definitions, as follows:

Building Coverage: The building area expressed as a percentage of the total lot area.

Lot Coverage: Refer to definition for Building Coverage.

ARTICLE E: PARKING IN RESIDENTIAL DISTRICTS

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE E ZONING BYLAW AMENDMENT / PARKING IN RESIDENTIAL DISTRICTS

To see if the Town will vote to amend Section 6.1.10.A of the Zoning Bylaw, to amend and clarify standards for the location of parking in Residential districts; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend SECTION 6.1.10, Location of Parking Spaces, Subsection A, as follows:

- A. Parking in Residential Districts. ~~For single family, two family, duplex, and three family dwellings~~This section applies to all single-family, two-family, duplex, and three-family dwellings in the R0, R1, R2, R3 and R4 districts.
- (1) Off-street parking spaces shall not be permitted in the area between the front lot line and the minimum front setback except on a driveway not exceeding 20 feet in width leading to the required parking space(s). In the case of a corner lot of less than 6,000 square feet, off-street parking shall be permitted in the longer of the two front yards, up to a maximum of 24 feet in width.
 - (2) Off-street parking is permitted in (1a) the side yard and rear yard on a paved driveway, or in the case of a corner lot of less than 6,000 square feet, in the longer of the two front yards, up to a maximum of 24 feet in width, or (2b) in an attached or detached garage, or (3c) within the foundation of a dwelling, provided the garaging is specifically designed for that purpose.
 - (3) Any driveway leading to off-street parking on a lot cannot exceed 20 feet in width. Further, a driveway cannot be closer than 20 feet to an intersection nor exceed a 15% downward slope, as measured from the farthest point from the front property line, except by Special Permit. A space designed for parking within an existing garage is determined to meet the requirements of an off-street parking space.
 - (4) Side yards used for parking shall have a vegetated buffer when abutting a lot used for residential purposes, to minimize visual impacts. Such buffer shall be a minimum of 2.5 feet in width, or 1.5 feet in width with a minimum height of 4 feet, except as excluded by Section 5.3.12.B.
 - (5) For single family, two family, duplex, and three family dwellings in R0, R1, R2, R3 and R4 districts, not more than Only one driveway shall be permitted on a lot unless there is a finding by the Special Permit Granting Authority for the development that a second driveway or a driveway that makes more than one intersection with the street may be added in a manner that:

- a) ~~a~~Avoids an undue concentration of population;
- b) ~~a~~Allows adequate provision of transportation;
- c) Provides for the safety of motorists, pedestrians, and bicyclists
- d) Preserves Protected Trees (as defined in Town Bylaws), and
- e) ~~e~~Conserves the value of land and buildings in the vicinity.

In making that finding, the Special Permit Granting Authority shall consider (among other relevant facts) functional classification and traffic volumes on the affected street or streets, whether the affected street or streets are one-way or two-way, proximity to signalized or unsignalized intersections, sight lines, potential conflicts among different roadway users (motorists, pedestrians, transit riders, bicyclists, and others), and the presence of children or others who may be unable to protect themselves from roadway dangers. In no case may a second driveway ~~for a single-family, two-family, duplex, or three-family dwelling~~ violate any other dimensional or density regulations for the district in which it is located. ~~For single-family, two-family, duplex, and three-family dwellings in R0, R1, R2, R3, and R4 districts,~~ ~~Not more than two driveways are permitted on a lot.~~

ARTICLE F: SCREENING AND BUFFER REQUIREMENTS

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE F ZONING BYLAW AMENDMENT / SCREENING AND BUFFER REQUIREMENTS

To see if the Town will vote to remove duplicate material by combining Section 5.3.7 and 5.3.21 of the Zoning Bylaw into Section 5.3.7 and thus deleting Section 5.3.21, revise Section 5.3.7 for clarity, move a subsection to Section 5.3.13, and amend a reference in Section 5.6.2; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend SECTION 5.3.7, Screening and Buffers, as follows:

5.3.7. Screening and Buffers: Industrial and Business Districts and Parking Lots

- A. Screening and space buffers shall be required in any Industrial (I) or Business (B) district that abuts ~~certain~~ buildable residential lots. The minimum width of the buffer shall be as follows:

I or B District	Abutting R District	Minimum Buffer
I, B5	R0 through R5	25 ft.
B3, B2A, B4	R0 through R5	15 ft.
I	R6 through R7	10 ft.
B1, B2	R0 through R5	10 ft.

- (1) The ~~strip~~ buffer shall contain a screen of plantings not less than three feet wide and six feet high at the time of occupancy of such lot.
- (2) Individual shrubs or trees shall be planted not more than 20 feet on center and shall be maintained by the owner or occupants so as to maintain a dense screen year-round. At least 50 percent of the plantings shall consist of evenly-spaced evergreens ~~and they shall be evenly spaced~~.
- (3) A solid wall or solid wooden fence, five to six feet high, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; ~~however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 6.1 nor the minimum yard requirements of the district. No screen shall be closer than 10 feet to a public or private way. W~~where deemed appropriate by the property owner and immediate abutters, and as approved by the Building Inspector, another wall or fence height or fence type, including but not limited to coated chain link or "wrought iron" types may be substituted for the required wall or fence.
- (4) No screen shall be closer than 10 feet to a public or private way.

- (5) The requirements of this Section 5.3.7.A. shall not supersede the minimum setbacks for parking lots per Section 6.1 nor the minimum yard requirements of the applicable I or B district.
- (6) For any area used for the parking of more than five vehicles, the requirements of this Section 5.3.7.A. shall not supersede the screening provisions of Section 6.1, Off-Street Parking.
- B. ~~For any area used for the parking of more than five vehicles, the screening provisions of Section 6.1, Off-Street Parking and Loading, shall apply.~~
- C. ~~Screening and space buffers shall not be required where abutting railroad track or railroad right-of-way if railroad is to be utilized for loading or unloading.~~
- D. In Industrial Districts, screening along the Minuteman Bikeway shall be limited to a vegetative screen, guardrail, and/or low fence under 4 feet in height only. Such screening shall either have gaps or vary in height to provide lines of sight from the Minuteman Bikeway to the adjoining property to promote safety for pedestrians and bicyclists. Pedestrian amenities such as seating, bins for recycling and refuse collection, and appropriate supplementary lighting shall be integrated within the landscaped area of the buffer.

Amend SECTION 5.3.13, Accessory Buildings and Other Structures, as follows:

5.3.13. Accessory Buildings and Other Structures

- B. An accessory building attached to the principal building shall be considered as an integral part thereof and shall be subject to front, side, and rear yard requirements applicable to the principal building per Section 5.4.2.
- (1) ~~In Residence Residential~~ In Residential districts, a minor accessory building shall be exempt from side and rear yard requirements if said building dimensions result in a gross floor area of not more than 80 square feet and a building height of not more than 7 feet.
- (4) An accessory private swimming pool shall be completely enclosed by a fence the top of which shall be at least 5 feet in height above the pool, having a self-closing gate with a latch. Above-ground pools may be unfenced if they are less than 24 inches in depth or with walls 4 feet or greater in height and removable. The unnumbered side of a corner lot shall be considered as a side yard for the purposes of establishing minimum setback requirements for accessory private swimming pools in all ~~Residence Residential~~ Residential districts. See Section 5.4.2.(A) District Yard and Open Space Requirements.
- C. In Business and Industrial districts, accessory structures must comply with the minimum yard, maximum height, and minimum open space requirements of the district in which they are located.

Delete SECTION 5.3.21, Supplemental Requirements in the Business and Industrial Districts, as follows:

5.3.21. Supplemental Requirements in the Business and Industrial Districts

A. Screening and Buffers: Industrial and Business Districts and Parking Lots

- (1) Screening and space buffers shall be required in any Industrial (I) or Business (B) district that abuts certain buildable residential lots. The minimum width of the buffer shall be as follows:

I or B District	Abutting R District	Minimum Buffer
I, B5	R0 through R5	25 ft.
B3, B2A, B4	R0 through R5	15 ft.
I	R6 through R7	10 ft.
B1, B2	R0 through R5	10 ft.

The strip shall contain a screen of plantings of vertical habit not less than three feet in width and six feet in height at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than 20 feet on center, and shall thereafter be maintained by the owner or occupants to maintain a dense screen year-round. At least 50% of the plantings shall consist of evergreens and they shall be evenly spaced. A solid wall or solid wooden fence, five to six feet in height, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 6.1 nor the minimum yard requirements of Sections 5.5 and 5.6. No screen shall be closer than 10 feet to a public or private way. Where deemed appropriate by the property owner and immediate abutters, and as approved by the building inspector, another wall or fence height or fence type, including but not limited to coated chain link or "wrought iron" types may be substituted for the required wall or fence. See Section 5.3.7 for screening and buffer requirements for Business districts, Industrial districts, and parking lots.

- (2) For any area used for the parking of more than five vehicles, the screening provisions of Section 6.1, Off-Street Parking, shall apply.

- B. Accessory Structures.** Accessory structures must comply with the minimum yard, maximum height, and minimum open space requirements of the district in which they are located.
- C. Minimum side and rear yards in Industrial Districts and minimum front, side, and rear yard** are not required when abutting railroad track or railroad right-of-way if railroad is utilized for loading or unloading.

Amend SECTION 5.6.2, Dimensional and Density Regulations, Subsection D, as follows:

5.6.2. Dimensional and Density Regulations

D. Development Standards. In the Industrial District, the following requirements apply to all new development or additions over 50% of the existing footprint:

(2) Yards

- Where feasible, the principal façade of the principal building on the site shall be no more than 10 feet from the front lot line.
- The use of rain gardens, bioswales, and wetlands restoration to control runoff and manage stormwater on-site within setbacks is strongly encouraged. Such systems shall be integrated with the surface water drainage systems in Section 3.4.4.E. See Section 6.1.11.F(3) for relationship to parking areas.
- Fences greater than 4 feet tall within the abutting setback to the Minuteman Bikeway shall be prohibited. See Section 5.3.7.DB. for additional requirements.

ARTICLE G:

REDEVELOPMENT BOARD JURISDICTION

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE G ZONING BYLAW AMENDMENT / REDEVELOPMENT BOARD JURISDICTION

To see if the Town will vote to amend Section 3.4.2 of the Zoning Bylaw, to revise the special permit and environmental design review applicability for certain properties abutting the Minuteman Bikeway; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend SECTION 3.4.2, Environmental Design Review, Subsection A, as follows:

3.4.2. Applicability

In any instance where a new structure, or a new outdoor use, or an exterior addition or a change in use (a) requires a building permit and special permit in accordance with use regulations for the applicable district or (b) alters the façade in a manner that affects the architectural integrity of the structure, and (c) is one of the uses listed in subparagraphs A through I below, the special permit shall be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards of this Section 3.4.

A. Construction or reconstruction on a site abutting any of the following:

- (1) Massachusetts Avenue, Pleasant Street, Mystic and Medford Streets between Massachusetts Avenue and Chestnut Street, or Broadway, ~~or the Minuteman Bikeway.~~
- (2) The Minuteman Bikeway, unless the site is located in an R1 or R2 district and contains a single-family, two-family or duplex dwelling, whereas the applicable Special Permit Granting Authority is the Zoning Board of Appeals.

ARTICLE H: REZONE B1 PARCELS

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE H ZONING BYLAW AMENDMENT / REZONE B1 PARCELS

To see if the Town will vote to amend Section 5.5 Business Districts, of the Zoning Bylaw, to rezone certain parcels in the B1 Neighborhood Office Business District to B2A Major Business District; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend the Zoning Bylaw, as follows:

A list of the parcels to be rezoned is attached hereto as Exhibit "A".

ARTICLE I: ZONING MAP ADOPTION FOR B1 REZONING

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE I ZONING BYLAW AMENDMENT / ZONING MAP ADOPTION FOR B1 REZONING

To see if the Town will vote to adopt changes to the Zoning Map that would rezone certain parcels in the B1 Neighborhood Office Business District to B2A Major Business District; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend Zoning Map as follows:

Maps showing the parcels to be rezoned are attached hereto as Exhibit "B".

ARTICLE J: ADMINISTRATIVE CORRECTION

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE J **ZONING BYLAW AMENDMENT / ADMINISTRATIVE CORRECTION**

To see if the Town will vote to amend Section 4.2 of the Zoning Bylaw, to reflect changes to the Zoning Map adopted by previous Town Meeting action; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend SECTION 4.2, Zoning Map, as follows:

4.2 ZONING MAP

Zoning districts are shown on a map entitled "Zoning Map of the Town of Arlington, MA" and dated ~~May 14, 2021~~ December 15, 2024 (the Zoning Map) on file in the Office of the Town Clerk and the Department of Planning and Community Development. The district boundaries shown on the Zoning Map, including all Overlay Districts listed in Section 4.1.2 of this bylaw, are part of this bylaw. The Zoning Map may include geographical features, streets, notations, and such other information to keep the map current and to facilitate orientation.

ARTICLE K: ZONING MAP ADOPTION FOR ADMINISTRATIVE CORRECTION

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE K ZONING BYLAW AMENDMENT / ZONING MAP ADOPTION FOR ADMINISTRATIVE CORRECTION

To see if the Town will vote to adopt changes to the Zoning Map, as amended by previous Town Meeting action; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend the Zoning Map as follows:

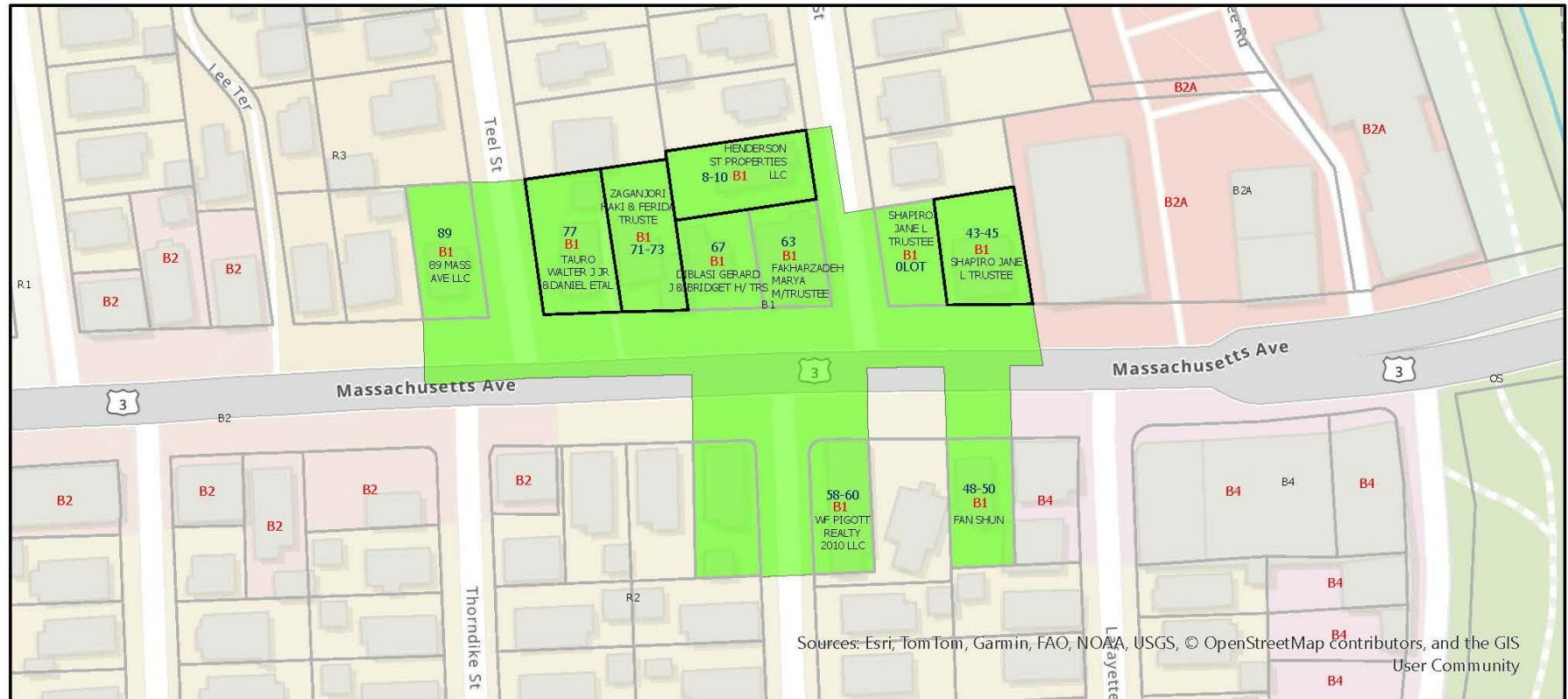
A copy of the map is attached hereto as Exhibit "C".

Parcels Zoned B1 with area greater than 5,000 ft²

Full Address	GIS SqFt	Landuse Description	Owner1
OLOT CENTRAL ST	15,090	900 - U.S. Govt.	U.S. OF AMERICA POST OFFICE
OLOT MASS AVE	11,176	337 - Parking Lot	DAVIDSON MANAGEMENT
1 CHESTNUT ST	13,145	340 - Office	ONE CHESTNUT STREET
10 COURT ST	27,686	900 - U.S. Govt.	UNITED STATES GOVERNMENT
10 SWAN ST #1	7,385	102 - Condo	MEEKS SUSAN & DAVID / TRS
1007 MASS AVE	15,174	935 - Improved-Mun	TOWN OF ARLINGTON
1017 MASS AVE	8,120	104 - Two Family	ERCOLINI MICHAEL
1025 MASS AVE	47,085	112 - Apts. 8 Plus	1025 MASS AVE LLC
1087-1089 MASS AVE	8,031	105 - Three Fam.	LANZILLOTTI PALMAR
1090 MASS AVE	6,450	013 - Res. / Comm.	KJT REALTY LLC
1122 MASS AVE	7,245	013 - Res. / Comm.	DOHERTY JAMES F
1145 MASS AVE	8,258	355 - Funeral	DE VITO ALFRED M TRUSTEE
1171 MASS AVE	11,378	031 - Comm. / Res.	1171 MASS AVE LLC
12 WATER ST #1	6,272	102 - Condo	DULGARIAN JEFFREY M
13-15 CHESTNUT ST #13	8,836	102 - Condo	SPARROW BENJAMIN JOSEPH
1491-1493 MASS AVE	5,484	104 - Two Family	VENTURA BRIGITTE
1500-1502 MASS AVE	7,611	013 - Res. / Comm.	1500 MASS AVE LLC
1507-1511 MASS AVE	8,254	013 - Res. / Comm.	STATHOPOULOS HARALAMBOS N
1516 MASS AVE	5,080	101 - One Family	RATHBUN JENNIE H
1520 MASS AVE	5,171	013 - Res. / Comm.	CALIENDO ANTHONY A & ROBERT M/ TRS
1530 MASS AVE	7,006	104 - Two Family	DUNDUTSANG LODEN W
17 CHESTNUT ST	9,147	013 - Res. / Comm.	FISCHER DAVID P
2 SWAN ST #2	8,443	102 - Condo	ARELLANO JERONIMO & ANUSHKA
22 PLEASANT ST #1	8,443	102 - Condo	POTTER DIANA LIVINGSTON/ TRUSTEE
221 MASS AVE	5,081	104 - Two Family	DEROSAS DOLORES EILEEN
223 MASS AVE	5,200	340 - Office	QUINN PATRICK J & AMY L TRS
226 MASS AVE	12,103	031 - Comm. / Res.	HARMAN ALICE M & GERLAD/TRS
251 MASS AVE #1	5,638	102 - Condo	KROMER MATTHEW A & MEGAN
255 MASS AVE	6,423	111 - Apts. 4-8	LACOURT FIRMA LLC
259 MASS AVE #1	8,207	343 - Condo-Comm	CHAFFEE ONE LLC
286 MASS AVE	5,302	105 - Three Fam.	286-288 MASS-ARLINGTON LLC
288 MASS AVE	5,403	104 - Two Family	PRVITERA PHILIP J/TRUSTEE
290 MASS AVE	14,285	013 - Res. / Comm.	CAMPOBASSO PROPERTIES LLC
292 MASS AVE	8,521	031 - Comm. / Res.	HUTCHINS PROPERTIES LLC
294-298 MASS AVE	8,133	013 - Res. / Comm.	ROGARIS PETER J /TRUSTEE
305 MASS AVE	6,673	101 - One Family	DESIMONE KAREN F & KATHRYN B
310 MASS AVE #1	7,695	102 - Condo	RUBENSTEIN WILLIAM J
311 MASS AVE	6,448	101 - One Family	HART MICHAEL A/TRUSTEE

Full Address	GIS SqFt	Landuse Description	Owner1
314 MASS AVE	7,027	109 - Multi-House	JOVELLAS ARTHUR S/ TRUSTEE
315-317 MASS AVE	5,729	104 - Two Family	315-317 MASS AVE LLC
325-327 MASS AVE	5,184	105 - Three Fam.	MIGALA CAROLYN COLT/ TRUSTEE
355 MASS AVE	9,616	013 - Res. / Comm.	355 MASS AVE REAL ESTATE LLC
361 MASS AVE	11,342	031 - Comm. / Res.	55 KENSINGTON LLC
370 MASS AVE	9,534	954 - Funct. Hall	ARLINGTON POST NO 39
373-375 MASS AVE	5,036	013 - Res. / Comm.	BICUSPID LLC
374 MASS AVE #1	8,715	102 - Condo	MANTY WILLIAM/TRACY YUEN
378 MASS AVE	8,009	013 - Res. / Comm.	CONNELY CONTRACTING INC
390 MASS AVE	10,149	031 - Comm. / Res.	KOZELIAN JOHN & SILVA N/ TRS
4 SWAN ST #3	8,443	102 - Condo	CLAVENNA ROBERT SCOTT
404 MASS AVE	5,823	105 - Three Fam.	DINIS CHARLES
406 MASS AVE	6,002	031 - Comm. / Res.	BOWES ROBERT E/TRUSTEE
418 MASS AVE	10,209	355 - Funeral	BHATIA NEERAJ TRUSTEE
43-45 MASS AVE	5,258	111 - Apts. 4-8	SHAPIRO JANE L TRUSTEE
5 CHESTNUT ST	11,853	355 - Funeral	TDK HOLDINGS LLC
5 FOREST ST	11,178	316 - Comm. Whs.	NEIL J CROWLEY LLC
58-60 MEDFORD ST	10,802	340 - Office	58-60 MEDFORD STREET LLC
6-8 WATER ST	5,966	105 - Three Fam.	HSU CHENG-PEI & MAGGIE W
7 CENTRAL ST	14,444	340 - Office	SAMPSON MARTHA /TRUSTEE
71-73 MASS AVE	5,551	013 - Res. / Comm.	ZAGANJORI HAKI & FERIDA TRUSTE
734-736 MASS AVE	6,284	013 - Res. / Comm.	JASON TERRACE LLC
735 MASS AVE	9,159	960 - Church	HIGHROCK CHURCH INC
742 MASS AVE	9,547	031 - Comm. / Res.	JASON TERRACE LLC
754 MASS AVE	9,616	340 - Office	754 MASS AVE LLC
77 MASS AVE	6,109	109 - Multi-House	TAURO WALTER J JR & DANIEL ETAL
7-9 PALMER ST	6,213	111 - Apts. 4-8	PYLE SERENA
792 MASS AVE	9,075	340 - Office	JASON TERRACE LLC
800 MASS AVE	5,097	340 - Office	JASON TERRACE LLC
8-10 AVON PL	7,129	104 - Two Family	GNEWUCH CHRISTINA & SCOT C
8-10 CENTRAL ST	5,917	109 - Multi-House	HEDLUND PETER/MAILE
8-10 HENDERSON ST	5,597	105 - Three Fam.	HENDERSON ST PROPERTIES LLC
9 CHESTNUT ST	8,006	342 - Pro-Office	ARCHAMBAULT N RICHARD TR
9 COURT ST	6,917	340 - Office	BOBCO LLC

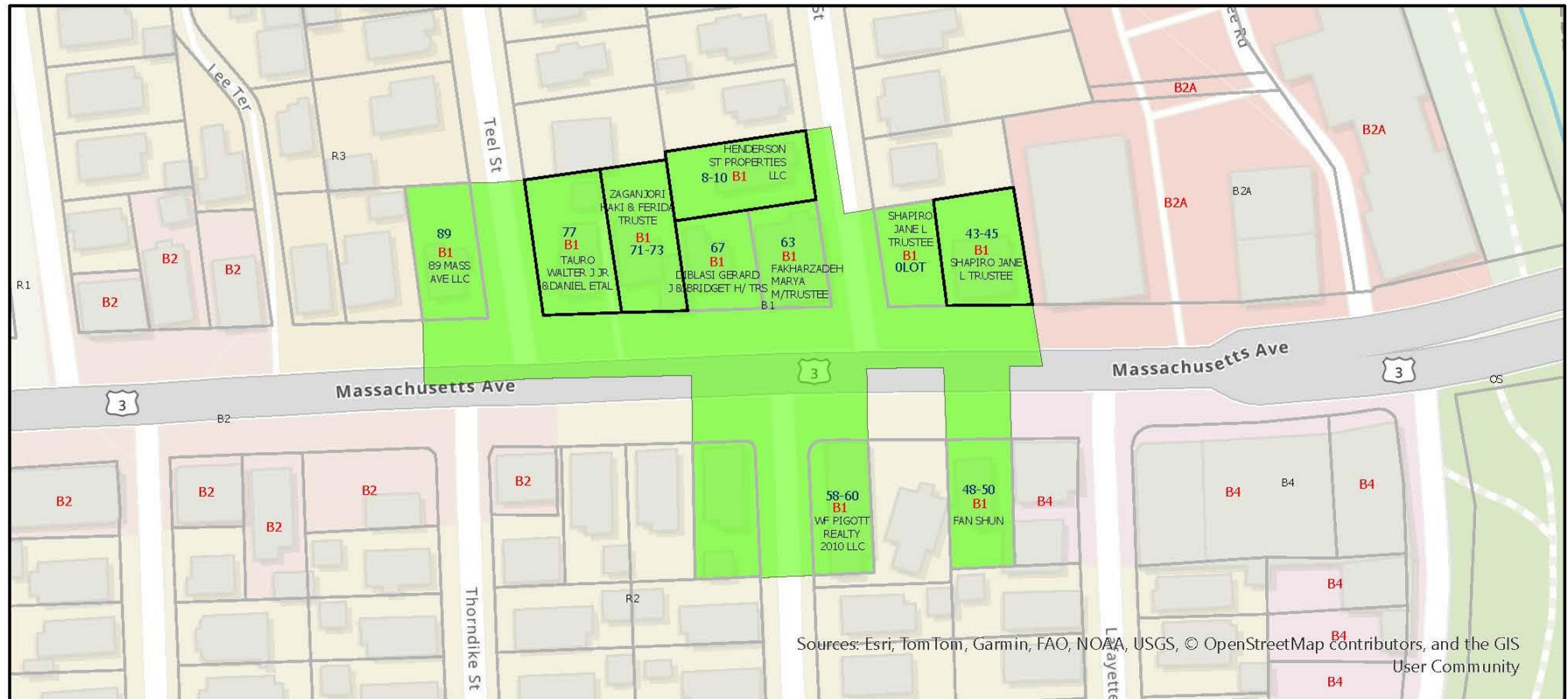
B1 Zoned Properties 43-89 Mass Ave



LegalAddr	owner1	CurrentAcres
58-60 MASS AVE	WF PIGOTT REALTY 2010 LLC	0.118
48-50 MASS AVE	FAN SHUN	0.114
89 MASS AVE	89 MASS AVE LLC	0.125
8-10 HENDERSON ST	HENDERSON ST PROPERTIES LLC	0.123
63 MASS AVE	FAKHARZADEH MARYA M/TRUSTEE	0.105
67 MASS AVE	DIBLASI GERARD J & BRIDGET H/ TRS	0.094

LegalAddr	owner1	CurrentAcres
71-73 MASS AVE	ZAGANJORI HAKI & FERIDA TRUSTE	0.136
77 MASS AVE	TAURO WALTER J JR & DANIEL ETAL	0.126
43-45 MASS AVE	SHAPIRO JANE L TRUSTEE	0.121
23-5-7 MASS AVE	SHAPIRO JANE L TRUSTEE	0.093
62-1-3 MASS AVE	TOWN OF ARLINGTON-PARK	0.019

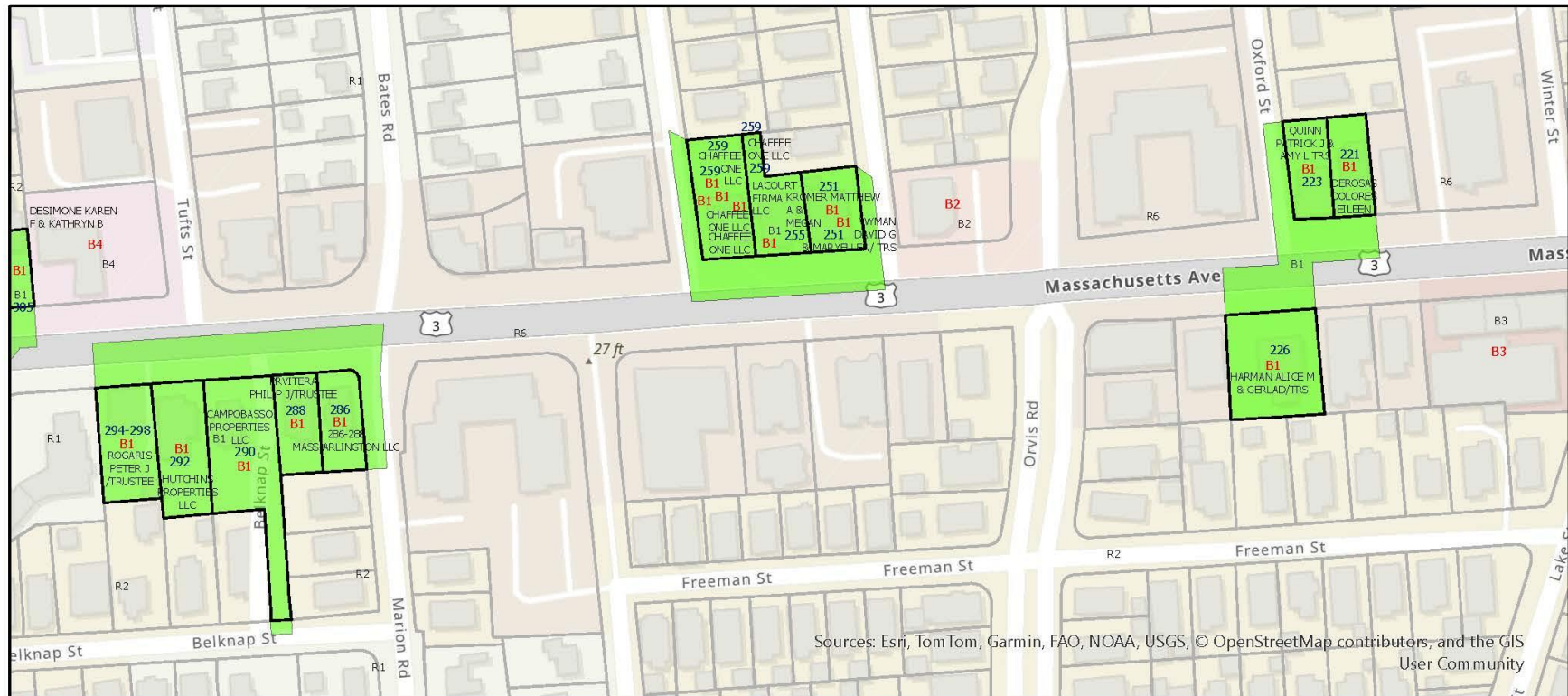
B1 Zoned Properties 43-89 Mass Ave



LegalAddr	owner1	CurrentAcres
58-60 MASS AVE	WF PIGOTT REALTY 2010 LLC	0.118
48-50 MASS AVE	FAN SHUN	0.114
89 MASS AVE	89 MASS AVE LLC	0.125
8-10 HENDERSON ST	HENDERSON ST PROPERTIES LLC	0.123
63 MASS AVE	FAKHARZADEH MARYA M/TRUSTEE	0.105
67 MASS AVE	DIBLASI GERARD J & BRIDGET H/ TRS	0.094

LegalAddr	owner1	CurrentAcres
71-73 MASS AVE	ZAGANJORI HAKI & FERIDA TRUSTEE	0.136
77 MASS AVE	TAURO WALTER J JR & DANIEL ETAL	0.126
43-45 MASS AVE	SHAPIRO JANE L TRUSTEE	0.121
23-5-7 MASS AVE	SHAPIRO JANE L TRUSTEE	0.093
62-1-3 MASS AVE	TOWN OF ARLINGTON-PARK	0.019

B1 Zoned Properties 221-298 Mass Ave

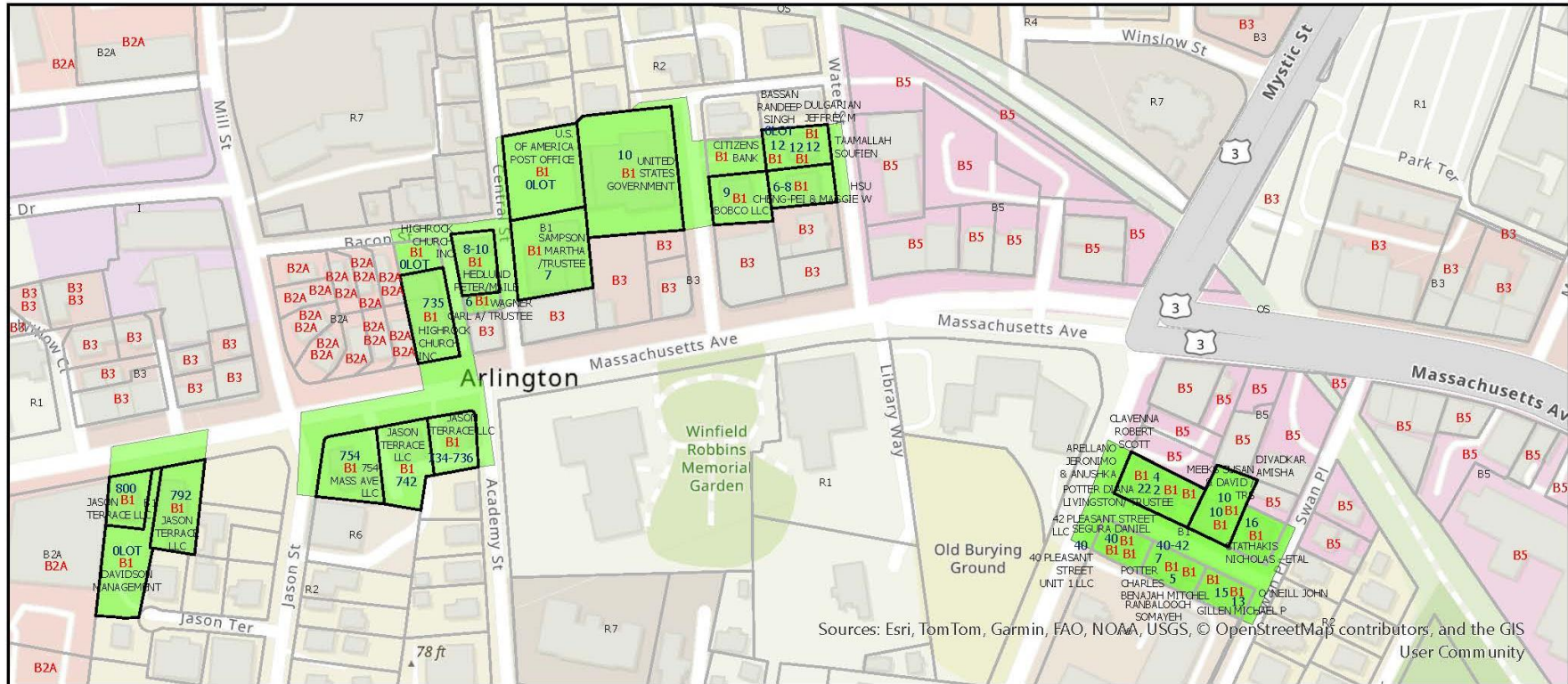


Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

LegalAddr	owner1	CurrentAcres
226 MASS AVE	HARMAN ALICE M & GERLAD/TRS	0.26
294-298 MASS AVE	ROGARIS PETER J /TRUSTEE	0.166
292 MASS AVE	HUTCHINS PROPERTIES LLC	0.2
290 MASS AVE	CAMPOBASSO PROPERTIES LLC	0.324
288 MASS AVE	PRVITERA PHILIP J/TRUSTEE	0.12
286 MASS AVE	286-288 MASS-ARLINGTON LLC	0.12
314 MASS AVE	JOVELLAS ARTHUR S/ TRUSTEE	0.16
310 MASS AVE	RUBENSTEIN WILLIAM J ETAL -#1	0.169
221 MASS AVE	DEROSAS DOLORES EILEEN	0.123
223 MASS AVE	QUINN PATRICK J & AMY L TRS	0.12
305 MASS AVE	DESIMONE KAREN F & KATHRYN B	0.154

LegalAddr	owner1	CurrentAcres
255 MASS AVE	LACOURT FIRMA LLC	0.143
259 MASS AVE	CHAFFEE ONE LLC	0
259 MASS AVE	CHAFFEE ONE LLC	0
259 MASS AVE	CHAFFEE ONE LLC	0
259 MASS AVE	CHAFFEE ONE LLC	0
325-327 MASS AVE	MIGALA COLT CAROLYN	0.111
319 MASS AVE	319 MASS AVE LLC	0.115
311 MASS AVE	HART MICHAEL A/TRUSTEE	0.132
315-317 MASS AVE	315-317 MASS AVE LLC	0.135
251 MASS AVE	KROMER MATTHEW A & MEGAN	0
251 MASS AVE	WYMAN DAVID G & MARYELLEN/ TRS	0

B1 Zoned Properties 734-800 Mass Ave, Swan St, Court St

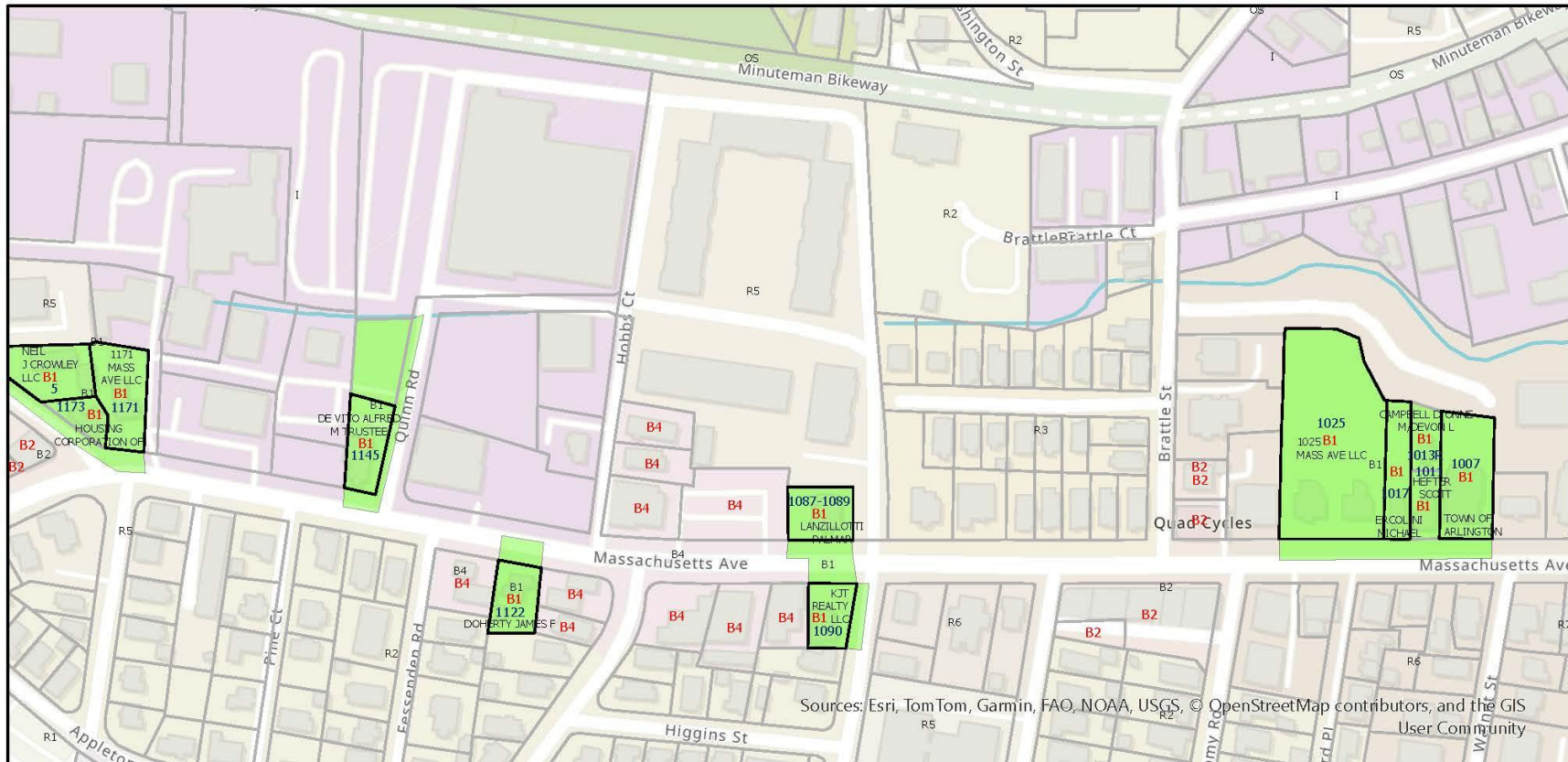


Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

LegalAddr	owner1	CurrentAcres
16 SWAN ST	STATHAKIS NICHOLAS --ETAL	0.112
7 SWAN ST	POTTER CHARLES BENAJAH MITCHELL	0
5 SWAN ST	LEA REBEKAH & DOYLE DEREK	0
6-8 WATER ST	HSU CHENG-PEI & MAGGIE W	0.145
9 COURT ST	BOBCO LLC	0.18
50-6-8 COURT ST	CITIZENS BANK	0.111
51-1-3 BACON ST	HIGHROCK CHURCH INC	0.076
8-10 CENTRAL ST	HEDLUND PETER/MAILE	0.11
6 CENTRAL ST	WAGNER CARL A/ TRUSTEE	0.036
735 MASS AVE	HIGHROCK CHURCH	0.282
7 CENTRAL ST	SAMPSON MARTHA /TRUSTEE	0.321

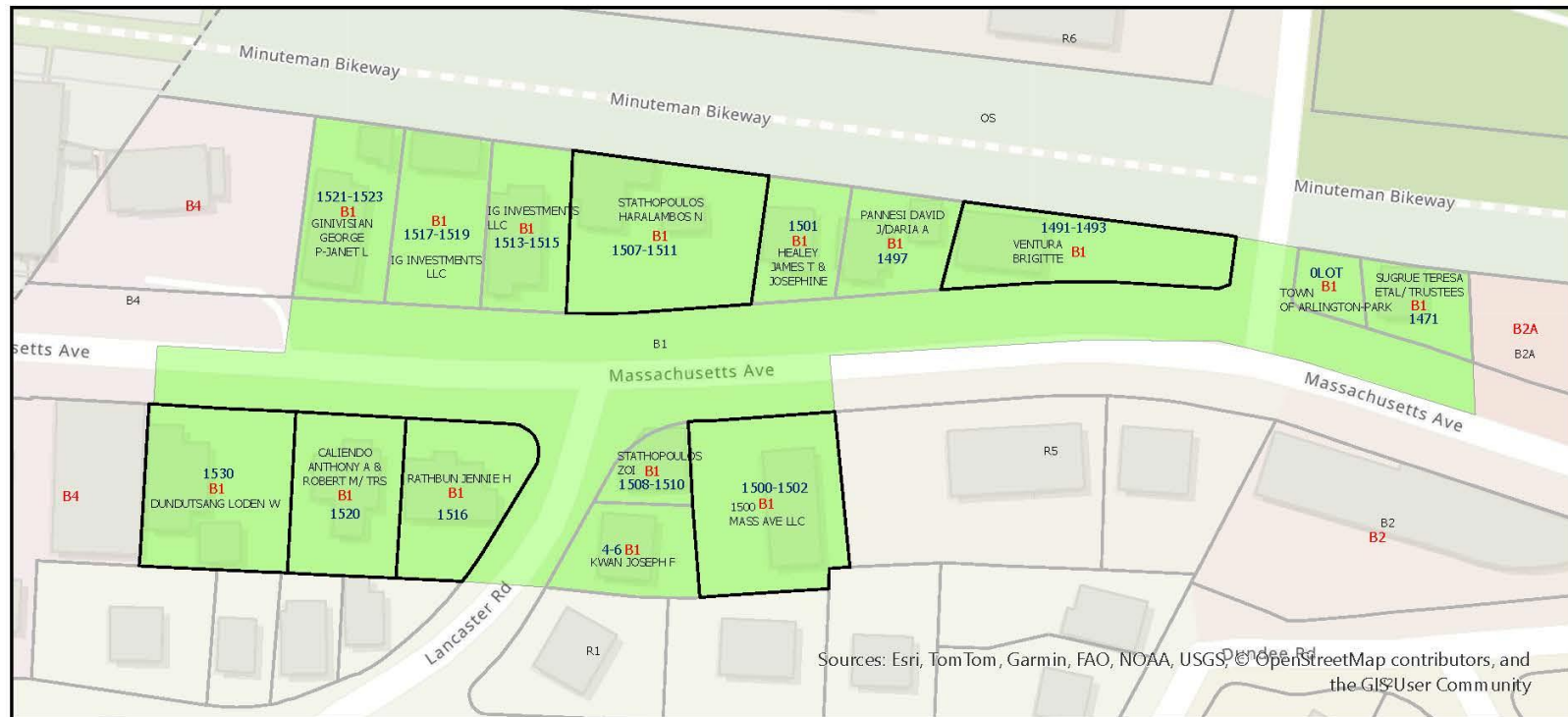
LegalAddr	owner1	CurrentAcres
51-4-2 CENTRAL ST	U.S. OF AMERICA POST OFFICE	0.35
10 COURT ST	UNITED STATES GOVERNMENT	0.715
800 MASS AVE	JASON TERRACE LLC	0.111
792 MASS AVE	JASON TERRACE LLC	0.204
754 MASS AVE	754 MASS AVE LLC	0.222
742 MASS AVE	JASON TERRACE LLC	0.227
734-736 MASS AVE	JASON TERRACE LLC	0.146
13 SWAN ST	GILLEN MICHAEL P	0
15 SWAN ST	O' NEILL JOHN	0
10 SWAN ST	MEEKS SUSAN & DAVID / TRS	0
10 SWAN ST	WYLLIE JAMES & AMY/ TRS	0

B1 Zoned Properties 1007-1171 Mass Ave



LegalAddr	owner1	CurrentAcres
1087-1089 MASS AVE	LANZILLOTTI PALMAR	0.185
5 FOREST ST	NEIL J CROWLEY LLC	0.29
1171 MASS AVE	1171 MASS AVE LLC	0.237
1173 MASS AVE	HOUSING CORPORATION OF	0.084
1145 MASS AVE	DE VITO ALFRED M TRUSTEE	0.192
1122 MASS AVE	DOHERTY JAMES F	0.149
1090 MASS AVE	KJT REALTY LLC	0.148

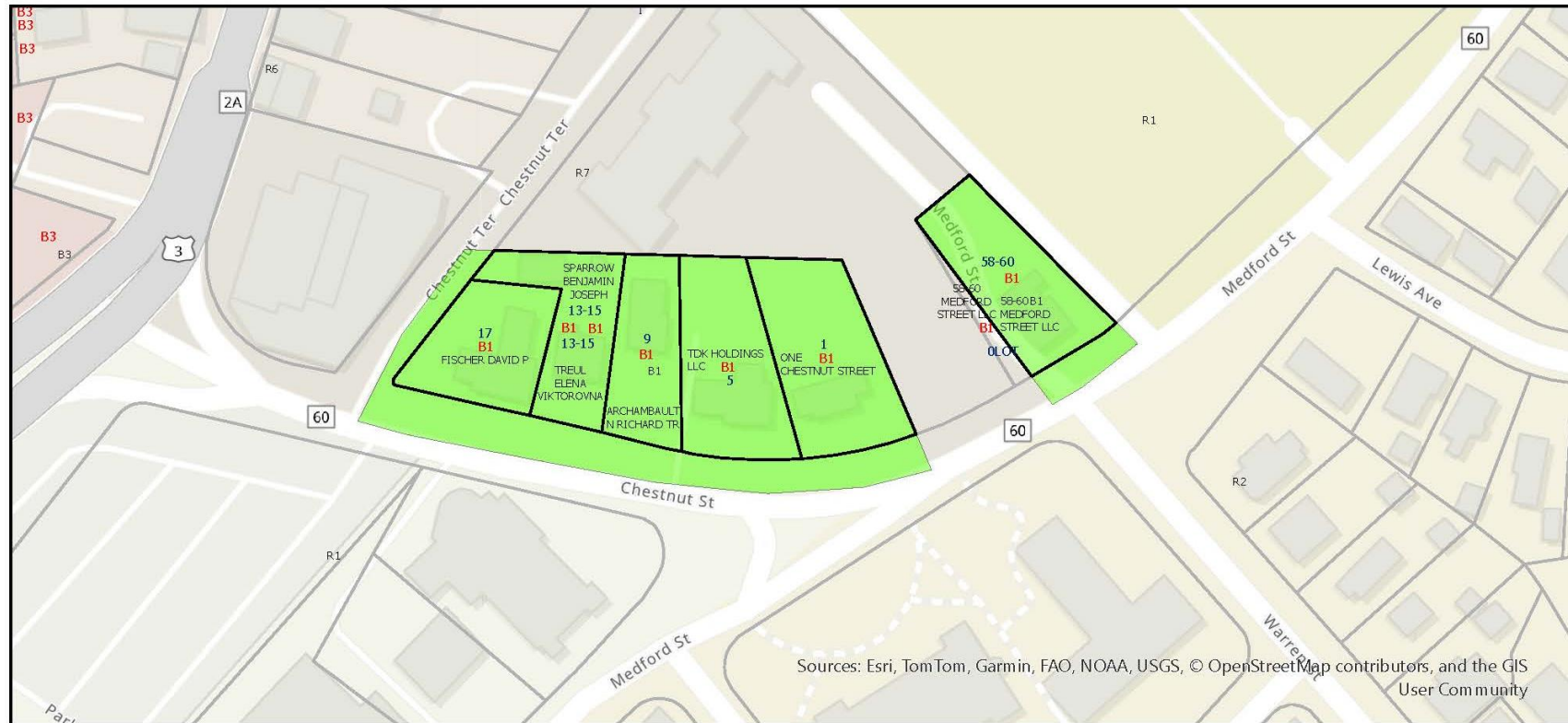
B1 ZONED PROPERTIES 1471-1530 MASS AVE



LegalAddr	owner1	CurrentAcres
1471 MASS AVE	SUGRUE TERESA ETAL/ TRUSTEES	0.055
1491-1493 MASS AVE	VENTURA BRIGITTE	0.109
1497 MASS AVE	PANNESI DAVID J/DARIA A	0.07
1501 MASS AVE	HEALEY JAMES T & JOSEPHINE	0.063
1507-1511 MASS AVE	STATHOPOULOS HARALAMBOS N ETAL	0.166
1513-1515 MASS AVE	GRASSI ARMANDO & ANGELA	0.095
1517-1519 MASS AVE	GRASSI ARMANDO & ANGELA	0.1

LegalAddr	owner1	CurrentAcres
1521-1523 MASS AVE	GINIVISIAN GEORGE P-JANET L	0.098
1530 MASS AVE	DUNDUTSANG LODEN W	0.15
1520 MASS AVE	CALIENDO ANTHONY R & MARY JANE	0.11
1516 MASS AVE	RATHBUN JENNIE H	0.101
1500-1502 MASS AVE	1500 MASS AVE LLC	0.167
1508-1510 MASS AVE	STATHOPOULOS DIMITRIOS	0.032
4-6 LANCASTER RD	KWAN JOSEPH F	0.072

B1 Zoned Properties 1-17 Chestnut St., 58-60 Medford St.

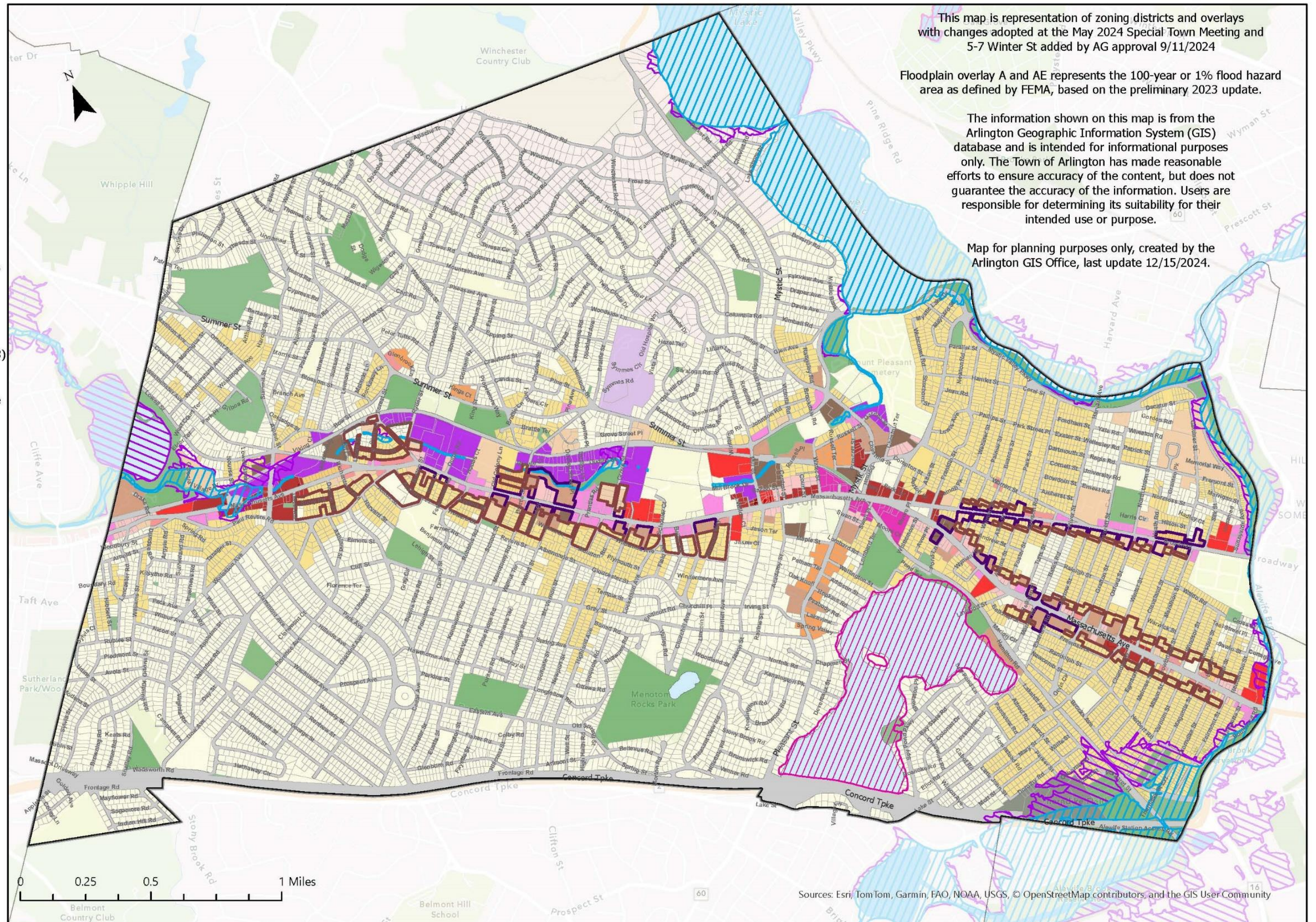


LegalAddr	owner1	CurrentAcres
58-60 MEDFORD ST	58-60 MEDFORD STREET LLC	0.259
46-1-14 MEDFORD ST	58-60 MEDFORD STREET LLC	0.031
17 CHESTNUT ST	FISCHER DAVID P	0.177
9 CHESTNUT ST	ARCHAMBAULT N RICHARD TR	0.184
5 CHESTNUT ST	TDK HOLDINGS LLC	0.273
1 CHESTNUT ST	ONE CHESTNUT STREET	0.266
13-15 CHESTNUT ST	SPARROW BENJAMIN JOSEPH	0
13-15 CHESTNUT ST	TREUL ELENA VIKTOROVNA	0



- B1: Neighborhood Office
- B2: Neighborhood Business
- B2A: Major Business
- B3: Village Business
- B4: Vehicular Oriented Business
- B5: Central Business
- I: Industrial
- MU: Multi-Use
- OS: Open Space
- PUD: Planned Unit Development
- R0: Large Lot Single Family
- R1: Single Family
- R2: Two Family
- R3: Three Family
- R4: Town House
- R5: Apartments Low Density
- R6: Apartments Med Density
- R7: Apartments High Density
- T: Transportation
- W: Water

Map for planning purposes only, created by the
Arlington GIS Office, last update 12/15/2024.





ARLINGTON REDEVELOPMENT BOARD

TOWN HALL, ARLINGTON, MASSACHUSETTS 02476

TELEPHONE 781-316-3090

2025 Proposed Warrant Article Hearing Schedule

- February 24 – Hearing #1, on ARB zoning articles (except zoning map changes).
- March 10 – Hearing #2, on ARB zoning articles (except zoning map changes).
- March 17 – Hearing #3, on the Citizen Petition warrant articles (except zoning map changes).
- March 24 – Hearing #4, on zoning map changes (confirm petitioners' availability).
- April 7 – Deliberation and Vote on all warrant articles.
- April 14 – Vote to approve Board Report to Town Meeting.
- April 28 – Town Meeting starts.

760 CMR 71.00: PROTECTED USE ACCESSORY DWELLING UNITS

Section

71.01: Statement of Purpose

71.02: Definitions

71.03: Regulation of Protected Use ADUs in Single-family Residential Zoning Districts

71.04: Data Collection

71.01: Statement of Purpose

(1) St. 2024, c. 150, § 8 amends M.G.L. c. 40A, § 3 to encourage the production of accessory dwelling units throughout the Commonwealth with the goal of increasing the production of housing to address statewide, local, and individual housing needs for households of all income levels and at all stages of life. The Executive Office of Housing and Livable Communities is the regulatory agency that is authorized by St. 2024, c. 150, § 8 to promulgate 760 CMR 71.00 that establish rules, standards and limitations that will assist Municipalities and landowners in the administration of St. 2024, c. 150, § 8.

(2) St. 2024, c. 150, § 8 and 760 CMR 71.00 seek to balance municipal interests in regulating the use and construction of ADUs while empowering property owners to add much needed housing stock to address the Commonwealth's housing needs. St. 2024, c. 150, § 8 establishes that in certain circumstances the use of land or structures for ADUs are protected from zoning restrictions by providing that zoning shall not prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single ADU, or the rental thereof, in a single-family residential zoning district, and imposes protections on ADUs through M.G.L. c. 40A, § 3, the Dover Amendment. The Act balances protection for these ADUs by authorizing municipalities to impose reasonable regulations on the creation and use of ADUs. St. 2024, c. 150, § 8, however, explicitly prohibits municipalities from imposing requirements on protected accessory dwelling units that require owner-occupancy of either the ADU or the principal dwelling and imposes limitations on Municipal parking requirements.

(3) 760 CMR 71.00 establishes definitions, standards, and limitations to assist in the local administration of M.G.L. c. 40A, § 3, para. 11, pursuant to St. 2024, c. 150, § 8. Nothing in 760 CMR 71.00 is intended to supersede state health and safety laws and regulations, such as, but not limited to the Building Code, Fire Code, M.G.L. c. 111, § 189A: Massachusetts Lead Law, or any federal laws.

71.02: Definitions

Accessory Dwelling Unit (ADU). A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that:

- (a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building Code for safe egress;
- (b) is not larger in Gross Floor Area than $\frac{1}{2}$ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and
- (c) is subject to such additional restrictions as may be imposed by a municipality including, but not limited to, additional size restrictions, and restrictions or prohibitions on Short-term Rental as defined in section 1 of chapter 64G; provided, however, that no Municipality shall unreasonably restrict the creation or rental of an ADU that is not a Short-term Rental.

Building Code. The Massachusetts state building code, 780 CMR.

Bus Station. A location serving as a point of embarkation for any bus operated by a Transit Authority.

Commuter Rail Station. Any commuter rail station operated by a Transit Authority with year-round service with trains departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

Design Standards. Clear, measurable and objective provisions of Zoning, or general ordinances or by-laws, which are made applicable to the exterior design of, and use of materials for an ADU.

Dwelling Unit. A single housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EOHLC. The Executive Office of Housing and Livable Communities.

Ferry Terminal. The location where passengers embark and disembark from a ferry service with year-round service with ferries departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

Fire Code. The Massachusetts state fire code, 527 CMR 1.00.

Gross Floor Area (GFA). The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches and similar spaces. Where there

are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

Historic District. A district in a Municipality established pursuant to M.G.L. c. 40C or other state law that is characterized by the historic or architectural significance of buildings, structures, and sites, and in which exterior changes to and the construction of buildings and structures are subject to regulations adopted by the Municipality pursuant to M.G.L. c. 40C or other state law.

Lot. An area of land with definite boundaries that is used, or available for use, as the site of a structure, or structures, regardless of whether the site conforms to requirements of Zoning.

Modular Dwelling Unit. A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities.

Municipality. Any city or town subject to the provisions of M.G.L. c. 40A.

Principal Dwelling. A structure, regardless of whether it, or the Lot it is situated on, conforms to Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as a Protected Use ADU.

Prohibited Regulation. Zoning or general ordinances or by-laws, or Municipal regulations that are prohibited pursuant to 760 CMR 71.03(2).

Protected Use ADU. An attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-family Residential Zoning District and is protected by M.G.L. c. 40A, § 3, provided that only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is nonconforming to Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

Short-term Rental. Short-term rental, as defined in M.G.L. c. 64G, § 1.

Single-family Residential Dwelling. A structure on a Lot containing not more than one Dwelling Unit.

Single-family Residential Zoning District. Any Zoning District where Single-family Residential Dwellings are a permitted or an allowable use, including any Zoning District where Single-family Residential Dwellings are allowed as-of-right or by Special Permit.

Site Plan Review. A process established by local ordinance or by-law by which a Municipal board or authority may review and impose terms and conditions on, the appearance and layout of a proposed use of land or structures prior to the issuance of a building permit.

Special Permit. A permit issued by a Municipality's special permit granting authority pursuant to M.G.L. c. 40A, § 9.

Subway Station. Any of the stops along the Massachusetts Bay Transportation Authority Red Line, Green Line, Orange Line, Silver Line, or Blue Line, including any extensions or additions to such lines.

Transit Authority. The Massachusetts Bay Transportation Authority established by M.G.L. c. 161A, § 2 or other local or regional transit authority established pursuant to M.G.L. c. 161B, § 3 or M.G.L. c. 161B, § 14.

Transit Station. A Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.

Unreasonable Regulation. Zoning or general ordinances or by-laws, or Municipal regulations that are unreasonable pursuant to 760 CMR 71.03(3).

Use and Occupancy Restrictions. A Zoning restriction, Municipal regulation, covenant, agreement, or a condition in a deed, zoning approval or other requirement imposed by the Municipality that limits the current, or future, use or occupancy of the Protected Use ADU to individuals or households based upon the characteristics of, or relations between, the occupants, such as but not limited to, income, age, familial relationship, enrollment in an educational institution, or that limits the number of occupants beyond what is required by applicable state code.

Zoning. Ordinances and by-laws, including base, underlying, and overlay zoning, adopted by cities and towns to regulate the use of land, buildings and structures to the full extent of the independent constitutional powers of cities and towns to protect the health, safety and general welfare of their present and future inhabitants.

Zoning District. A geographic area within a Municipality which, pursuant to Zoning, is subject to use and structure requirements that are uniform within the area.

71.03: Regulation of Protected Use ADUs in Single-family Residential Zoning Districts

(1) Municipalities shall not prohibit, impose a Prohibited Regulation or Unreasonable Regulation, or, except as provided under 760 CMR 71.03(5) and 760 CMR 71.03(6), require a special permit, waiver, variance or other zoning relief or discretionary zoning approval for the use of land or structures for a Protected Use ADU, including the rental thereof, in a Single-family Residential Zoning District; provided that Municipalities may reasonably regulate a Protected Use ADU, subject to the limitations under 760 CMR 71.

(2) Prohibited Regulation. A Municipality shall not subject the use of land or structures on a Lot for a Protected Use ADU to any of the following:

(a) Owner-Occupancy Requirements. A requirement that either the Protected Use ADU or the Principal Dwelling be owner-occupied.

(b) Minimum Parking Requirements. A requirement of, as applicable:

1. More than one additional on-street or off-street parking space for a Protected Use ADU if all portions of its Lot are located outside a 0.5-mile radius of a Transit Station; or

2. Any additional on-street or off-street parking space for a Protected Use ADU if any portion of its Lot is located within a 0.5-mile radius of a Transit Station.

(c) Use and Occupancy Restrictions. A requirement that a Protected Use ADU be subject to a Use and Occupancy Restriction.

(d) Unit Caps & Density. Any limit, quota or other restriction on the number of Protected Use ADUs that may be permitted, constructed, or leased within a Municipality or Zoning District. Protected Use ADUs shall not be counted in any density calculations.

(e) Relationship to Principal Dwelling. A requirement that a Protected Use ADU be attached to or detached from the Principal Dwelling.

(3) Unreasonable Regulation.

(a) A Municipality may reasonably regulate and restrict Protected Use ADUs provided that any restriction or regulation imposed by a Municipality shall be unreasonable if the regulation or restriction, when applicable to a Protected Use ADU:

1. Does not serve a legitimate municipal interest sought to be achieved by local Zoning;
2. Serves a legitimate Municipal interest sought to be achieved by local Zoning but its application to a Protected Use ADU does not rationally relate to the legitimate Municipal interest; or
3. Serves a legitimate Municipal interest sought to be achieved by local Zoning and its application to a Protected Use ADU rationally relates to the interest, but compliance with the regulation or restriction will:
 - a. Result in complete nullification of the use or development of a Protected Use ADU;
 - b. Impose excessive costs on the use or development of a Protected Use ADU without significantly advancing the Municipality's legitimate interest; or
 - c. Substantially diminish or interfere with the use or development of a Protected Use ADU without appreciably advancing the Municipality's legitimate interest.

(b) Municipalities shall apply the analysis articulated in 760 CMR 71.03(3)(a) to establish and apply reasonable Zoning or general ordinances or by-laws, or Municipal regulations for Protected Use ADUs, but in no case shall a restriction or regulation be found reasonable where it exceeds the limitations, or is inconsistent with provisions, described below, as applicable:

1. Design Standards. Any Design Standard that:
 - a. Would not be applied to a Single-family Residential Dwelling in the Single-family Residential Zoning District in which the Protected Use ADU is located or
 - b. Is so restrictive, excessive, burdensome, or arbitrary that it prohibits, renders infeasible, or unreasonably increases the costs of the use or construction of a Protected Use ADU.
2. Dimensional Standards. Any requirement concerning dimensional standards, such as dimensional setbacks, lot coverage, open space, bulk and height, and number of stories, that are more restrictive than is required for the Principal Dwelling, or a Single-family Residential Dwelling or accessory structure in the Zoning District in which the Protected Use ADU is located, whichever results in more permissive regulation, provided that a Municipality may not require a minimum Lot size for a Protected Use ADU.

3. Utilities, Safety, and Emergency Access. Any requirement concerning utilities, safety and emergency access that is more restrictive than is permitted by state requirements, including under the Fire Code. A Municipality may not require a separate utility connection, such as water, sewer, electric, provided that a separate connection may be required by a Municipal or regional utility, investor-owned utility; by state law; by a local, regional, or state board or commission; or by court order.
4. Environmental Regulation. Any regulation for the protection of public health, safety, welfare and the environment pursuant to 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage*, that is more restrictive than is required for a Single-family Residential Dwelling in the Zoning District in which the Protected Use ADU is located.
5. Site Plan Review. Site Plan Review concerning the Protected Use ADU that is not clear and objective or imposes terms and conditions that are unreasonable or inconsistent with an as-of-right process as defined in M.G.L. c. 40A, § 1A.
6. Impact Analysis, Studies, and Fees. Any requirement for any impact analysis, study, report, or impact fee that is not required for the development of a Single-family Residential Dwelling in the Single-family Residential Zoning District in which the Protected Use ADU is located.
7. Modular Dwelling Units. Any requirement that prohibits, regulates or restricts a Modular Dwelling Unit from being used as a Protected Use ADU that is more restrictive than the Building Code.
8. Historic Districts. Municipalities may establish Design Standards and Dimensional Standards for Protected Use ADUs located in an Historic District that are more restrictive or different from what is required for a Single-family Residential Dwelling, or Principal Dwelling, in the Single-family Residential Zoning District; provided, however, that such standards are not unreasonable pursuant to 760 CMR 71.03(3)(a).
9. Pre-existing Nonconforming Structures. A Municipality may not prohibit the development of a Protected Use ADU in an existing structure or Principal Dwelling, or Lot due to nonconformance, that could be used for, or converted into, a Protected Use ADU in conformance with the Building Code, 760 CMR 71.00, and state law.

(c) Short-term Rentals. Municipalities may establish restrictions and prohibitions on the Short-term Rental of Protected Use ADUs pursuant to M.G.L. c. 64G.

(4) Enforceability of Restrictions and Regulations on Pre-existing ADUs. A Municipality shall not enforce any Prohibited Regulation or Unreasonable Regulation that was imposed as a condition for the approval of the use of land or structures for a Protected Use ADU prior to the effective date of 760 CMR 71.00, regardless of whether such Protected Use ADU complies with the Municipality's Zoning, including, but not limited to, use requirements and dimensional requirements, such as setbacks, bulk, and height.

(5) Special Permits for Multiple ADUs on the Same Lot. Notwithstanding 760 CMR 71.03(1), if a Municipality chooses to allow additional ADUs on the same Lot as a Protected use ADU in a Single-family Residential Zoning District, Zoning shall require a Special Permit for the use of land or structures for the additional ADUs.

(6) Floodplain and Aquifer Protection Overlay Districts. Municipalities may require a Special Permit for development of a Protected Use ADU in a floodplain or aquifer protection overlay if required for the Principal Dwelling, provided that the Special Permit is based on clear, objective, and non-discretionary criteria.

(7) Nothing in these regulations is intended to prevent a Municipality from adopting more permissive Zoning, or general ordinances or by-laws, or Municipal regulations than would be allowed under 760 CMR 71.03.

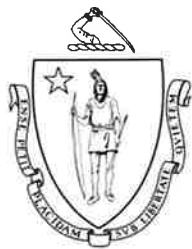
(8) Address Assignment. All ADUs shall be assigned an address consistent with the most current Address Standard published by MassGIS. ADU addresses shall be reported to MassGIS and EOHLC after assignment.

71.04: Data Collection

To assist EOHLC in the administration of M.G.L. c. 40A, § 3, para 11, Municipalities shall keep a record of each ADU permit applied for, approved, denied, and issued a certificate of occupancy, with information about the address, square footage, type (attached, detached, or internal), estimated value of construction, and whether the unit required any variances or a Special Permit. Municipalities shall make this record available to EOHLC upon request.

REGULATORY AUTHORITY

760 CMR 71.00: M.G.L. c. 40A, § 3, para. 11; St. 2024, c. 150, § 8.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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December 10, 2024

Juliana H. Brazile, Town Clerk
Town of Arlington
730 Massachusetts Avenue
Arlington, MA 02476

Re: Arlington Annual Town Meeting of April 24, 2024 -- Case # 11496
Warrant Articles # 25, 26, 27, 29, 30, 31, and 33 (Zoning)
Warrant Articles # 6, 7, 10, 11, 12, 15, and 16 (General)¹

Dear Ms. Brazile:

Article 27 - Under Article 27 the Town amended its zoning by-laws, Section 5.9.2, "Accessory Dwelling Units," Subsection B (1), "Requirements," to replace bullets with letters. In addition, the Town deleted Subsection C (3), "Administration," regarding the effective date of Section 5.9.2. Other than the change to Subsection C (3), the Town made no other substantive changes to Section 5.9.2 regulating Accessory Dwelling Units ("ADUs") under Article 27.

We approve Article 27 because it does not currently conflict with state law. See Amherst v. Attorney General, 398 Mass. 793, 795-96 (1986) (requiring inconsistency with state law or the Constitution for the Attorney General to disapprove a by-law). However, we offer comments for the Town's consideration about the recent amendments to G.L. c. 40A, regarding ADUs, including the Executive Office of Housing and Livable Communities' ("EOHLC") draft regulations.² We also offer comments on certain existing provisions in Section 5.9.2.

¹ In a decision issued September 11, 2024, we approved Articles 6, 7, 10, 11, 15, 25, and 26; and by agreement with Town Counsel as authorized by G.L. c. 40, § 32, we extended the deadline for our review of Articles 12, 16, 27, 29, 30, and 33 for 60-days until November 10, 2024. In a second decision issued on September 11, 2024, under separate cover, we approved Article 31. On November 8, 2024, by agreement with Town Counsel, we extended the deadline for our review of Articles 12, 16, 27, 29, 30, and 33 for an additional 30 days until December 10, 2024. We will issue our decision on Articles 12, 16, 29, 30 and 33 by separate cover.

² On December 6, 2024, EOHLC issued draft regulations, 760 CMR 71.00, "Protected Use Accessory Dwelling Units, that can be found here: <https://www.mass.gov/info-details/accessory-dwelling-units>.

I. Recent Legislative Changes Regarding ADUs

On August 6, 2024, Governor Healey signed into law the “Affordable Homes Act,” Chapter 150 of the Acts of 2024 (the “Act”). The Act includes amendments to the State’s Zoning Act, G.L. c. 40A, to establish accessory dwelling units as a protected use subject to limited local regulation. Section 7 of the Act, which took effect on August 6, 2024 by virtue of the Act’s emergency preamble, amends G.L. c. 40A, § 1A by striking the definition of “Accessory dwelling unit” and inserting a new definition that provides as follows:

“Accessory dwelling unit,” a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than ½ the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on short-term rental, as defined in section 1 of chapter 64G; provided however that no municipality shall unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term rental.^[3]

Section 8 of the Act, which will become effective on February 2, 2025,⁴ amends G.L. c. 40A, § 3 (regarding subjects that enjoy protections from local zoning requirements, referred to as the Dover Amendment), to add a new paragraph that restricts a zoning by-law from prohibiting, unreasonably regulating or requiring a special permit or other discretionary zoning approval for the use of land or structures for a single ADU, as follows:

No zoning ordinance or by-law shall prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single accessory dwelling unit, or the rental thereof, in a single-family residential zoning district; provided, that the use of land or structures for such accessory dwelling unit under this paragraph may be subject to reasonable regulations, including, but not limited to, 310 CMR 15.000 et seq., if applicable, site plan review, regulations concerning dimensional setbacks and the bulk and

³ Section 1A previously defined an “Accessory dwelling unit” as a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in floor area than 1/2 the floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including but not limited to additional size restrictions, owner-occupancy requirements and restrictions or prohibitions on short-term rental of accessory dwelling units.

⁴ Section 8 is exempt from the Act’s emergency preamble. See Section 143 of the Act.

height of structures and may be subject to restrictions and prohibitions on short-term rental, as defined in section 1 of chapter 64G. The use of land or structures for an accessory dwelling unit under this paragraph shall not require owner occupancy of either the accessory dwelling unit or the principal dwelling; provided, that not more than 1 additional parking space shall be required for an accessory dwelling unit; and provided further, that no additional parking space shall be required for an accessory dwelling located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station. For more than 1 accessory dwelling unit, or rental thereof, in a single-family residential zoning district there shall be a special permit for the use of land or structures for an accessory dwelling unit. The executive office of housing and livable communities may issue guidelines or promulgate regulations to administer this paragraph.

We strongly encourage the Town to consult with Town Counsel regarding the ADU amendments to G.L. c. 40A, §§ 1A and 3 to ensure compliance with these new provisions. In addition, the Town should consult with Town Counsel regarding EOHLC's draft regulations, issued December 6, 2024 (760 CMR 71.00, "Protected Use Accessory Dwelling Units"). EOHLC intends to issue final regulations by February 2, 2025. *Id.* EOHLC has announced it will also be offering further guidance on implementation of the new law, including through FAQs it will post and update on its website. The draft regulations, current FAQs, and other ADU resources offered by EOHLC are available at <https://www.mass.gov/info-details/accessory-dwelling-units>. The Town should monitor any guidance and the final regulations promulgated by EOHLC and discuss with Town Counsel the actions needed to comply with the new law.

II. Comments on Certain Existing ADU Provisions in Section 5.9.2

A. Special Permit Requirement

The existing text of Section 5.9.2 (B)(e) requires a special permit in certain circumstances, in relevant part as follows: "(iii)...provided that if such accessory building is located within 6 feet of the lot line then such accessory dwelling unit shall be allowed only if the Board of Appeals, acting pursuant to Section 3.3, grants a special permit upon its finding that the creation of such accessory dwelling unit is not substantially more detrimental to the neighborhood than the use of such accessory building as a private garage or other use."

Under G.L. c. 40A, § 3's new ADU provisions, the Town must allow qualifying ADUs to be built by right in single-family zoning districts. The Town should consult with Town Counsel to ensure Section 5.9.2 (B)(e)'s special permit requirement is not applied to the use of land or structures for a Section 3 ADU on a lot in a single-family residential zoning district after February 2, 2025. The Town should monitor guidance and the final regulations promulgated by EOHLC and discuss with Town Counsel the actions needed to comply with the new law.

In addition, the draft regulations promulgated by EOHLC, 760 CMR 71.03 (3) (b) provide that "[f]or the purposes of 760 CMR 71.03 (3), the following restrictions and regulations shall be considered unreasonable when applicable to a Protected Use ADU... (2) Dimensional Standards. Any requirement concerning dimensional setbacks, lot size, lot coverage, open space,

and the bulk and height of structures that are more restrictive than what is required for a Single-Family Residential Dwelling in the Single-Family Residential Zoning District in which the Protected Use ADU is located.” The Town should consult with Town Counsel to determine if this existing provision allowing an ADU “located within 6 feet of the lot line” by special permit should be amended at a future Town Meeting in light of the draft regulations and continue to monitor EOHLC’s final regulations.

B. Owner Occupancy Requirements

Section 5.9.2 (C) (1) of the by-law requires owner occupancy of either the principal dwelling unit or the ADU as follows:

Prior to the issuance of a building permit for an accessory dwelling unit, the owner must deliver an affidavit to the building inspector stating that the owner or a family member of the owner will reside in either the principal dwelling unit or the accessory dwelling unit upon completion of the accessory dwelling unit.

General Laws Chapter 40A, Section 3, as amended by Section 8 of the Act, will as of February 2, 2025, expressly prohibit a Town from requiring the ADU or principal dwelling to be owner-occupied, as follows:

The use of land or structures for an accessory dwelling unit under this paragraph shall not require owner occupancy of either the accessory dwelling unit or the principal dwelling[.]

The Town must ensure that Section 5.9.2 (C) (1) is not applied in a manner that imposes an owner occupancy requirement on ADUs following the February 2, 2025, effective date of Section 8 of the Act.⁵ In addition, the Town should monitor guidance and the final regulations promulgated by EOHLC and discuss with Town Counsel the actions needed to comply with the new law.

III. Conclusion

We approve the amendments to Section 5.9.2 adopted under Article 27. However as discussed herein, the Town should be mindful of the recent legislative changes to G.L. c. 40A regarding ADUs and consult with Town Counsel regarding the measures that will need to be taken to comply with the new state law once it takes full effect in February of 2025. Among other things, the Town should also monitor any guidance and the final regulations promulgated by the EOHLC, as well as the draft regulations issued on December 6, 2024, and discuss their implications with Town Counsel.

⁵ We note that the previous definition of ADU in Section 1A expressly allowed municipalities to impose owner-occupancy restrictions. However, the authority to impose owner occupancy restrictions was deleted from the new definition of ADU adopted under Section 7 of the Act. See footnote 3.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute.

Very truly yours,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
Assistant Attorney General
Deputy Director, Municipal Law Unit
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Worcester, MA 01608
(774) 214-4418

cc: Town Counsel Michael Cunningham

ARTICLE A: ACCESSORY DWELLING UNITS

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE A ZONING BYLAW AMENDMENT / ACCESSORY DWELLING UNITS

To see if the Town will vote to amend Section 2: Definitions, Section 5.4.2.B.(6) Large Additions, Section 5.4.2.B.(7) Garages, Section 5.10.2 Accessory Dwelling Units, and Section 6.1.4 Parking, of the Zoning Bylaw, to revise the requirements for permitting accessory dwelling units as-of-right or by special permit; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

~~Amend Section 2 C, Definitions Associated with Dwelling, as follows:~~

~~Accessory Dwelling Unit: A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, as defined in M.G.L. ch.40A.~~

Amend Section 5.10.2. Accessory Dwelling Units, as follows:

B. Requirements

- (1) In any Residential District or Business District, an accessory dwelling unit is permitted as an accessory use to any single-family dwelling, two-family dwelling, or duplex dwelling, if all of the following conditions are met:
 - a) An accessory dwelling unit shall be not larger in floor area than one-half the floor area of the principal dwelling or 900 square feet, whichever is smaller. For the avoidance of doubt, where an accessory dwelling unit is created by converting a portion of an existing principal dwelling to an accessory dwelling unit, the floor area of the resulting accessory dwelling unit shall be measured relative to the floor area of the resulting principal dwelling (as affected by or in connection with the conversion).
 - b) Any alteration causing an expansion of or addition to a building in connection with an accessory dwelling unit shall be subject to the provisions of Section 5.4.2.B(6) if and to extent section 5.4.2.B(6) is otherwise applicable to such alteration or addition.
 - c) An accessory dwelling unit shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling, sufficient to meet the requirements of the State Building Code for safe egress.
 - d) No more than one (1) accessory dwelling unit is allowed per principal dwelling unit, except as permitted by special permit if the Zoning Board of Appeals, acting pursuant to Section 3.2, finds that the creation of an additional accessory dwelling unit is not substantially more detrimental to the neighborhood than the use of such accessory building as a private garage or other allowed use.
 - e) An accessory dwelling unit may be located in (i) the same building as the principal dwelling unit or as an expansion to such building; (ii) a building that is attached to the

principal dwelling unit; or (iii) an accessory building, which accessory building shall not constitute a principal or main building by the incorporation of the accessory dwelling unit, provided that if such accessory building is located within 6 feet of a lot line then such accessory dwelling unit shall be allowed only if the Board of Appeals, acting pursuant to Section 3.3, grants a special permit upon its finding that the creation of such accessory dwelling unit is not substantially more detrimental to the neighborhood than the use of such accessory building as a private garage or other allowed use.

- f) An accessory dwelling unit shall not be used as a short-term rental, in accordance with Title V, Article 18, Section 3 of the By-Laws of the Town of Arlington.
- g) An accessory dwelling unit shall be subject to all applicable requirements of the State Building Code and State Fire Code (including any such requirements, if and as applicable, which prohibit openings, including windows, in exterior walls of dwellings located within a certain distance from the property line).

- (2) The creation or addition of an accessory dwelling unit shall not change the zoning classification of the property in question and shall not affect any zoning relief previously obtained for such property. By way of example only (and without limitation), a single-family dwelling having an accessory dwelling unit shall continue to be classified as a single-family dwelling for single-family use under the Zoning Bylaw; a two-family dwelling having an accessory dwelling unit shall continue to be classified as a two-family dwelling for two-family use under the Zoning Bylaw; and a duplex having an accessory dwelling unit shall continue to be classified as a duplex dwelling for duplex use under the Zoning Bylaw.
- (3) No off-street parking spaces are required in connection with the creation or addition of an accessory dwelling unit.
- (4) An accessory dwelling unit shall not be owned separately from the principal dwelling unit with which such accessory dwelling unit is associated.

C. Administration

- ~~(1) Prior to the issuance of a building permit for an accessory dwelling unit, the owner must deliver an affidavit to the building inspector stating that the owner or a family member of the owner will reside in either the principal dwelling unit or the accessory dwelling unit upon completion of the accessory dwelling unit.~~
- ~~(2) The creation or addition of an accessory dwelling unit to a principal dwelling unit shall not be subject to the foregoing paragraph 5.9.2.C(1) if the principal dwelling unit and accessory dwelling unit are owned by a non-profit or governmental entity and the accessory dwelling unit is restricted as an affordable unit.~~
- ~~(3) In the event of any conflict or inconsistency between the provisions of this Section 5.9.2 or Section 8.1.3.D, on the one hand, and any other provisions of this Bylaw, the provisions of this Section 5.9.2 and Section 8.1.3.D shall govern and control.~~

ARTICLE B: TRANSPORTATION DEMAND MANAGEMENT PLAN

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE B ZONING BYLAW AMENDMENT / TRANSPORTATION DEMAND MANAGEMENT PLAN

To see if the Town will vote to amend Section 6.1.5 Parking Reductions in Business, Industrial, and Multi-Family Residential Zones, of the Zoning Bylaw, to adjust the requirements for Transportation Demand Management plans and methods; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend SECTION 6.1.5, as follows:

6.1.5 Parking Reduction in Business, Industrial, and Multi-Family Residential Zones

- C. Transportation Demand Management (TDM): Any request for parking reduction must include a plan to reduce demand for parking. TDM provides incentives to reduce the use of ~~Single Occupant~~SingleOccupant -Occupancy Vehicles and encourages the use of public transit, bicycling, walking, and ridesharing. All projects ~~with more than ten residential units and/or less than 3,000 square feet of commercial space~~ requesting a parking reduction must be located within a one-quarter mile walk of a bus stop or subway station and employ propose at least three TDM methods described below. ~~Projects, except projects with lessfewer than ten residential units and/or with less than 3,000 square feet of commercial space must employpropose~~ at least two TDM methods described below:

- (1) Charge for parking on-site;
- (2) Pay a stipend to workers or residents without cars;
- (3) Provide preferential parking for carpooling vehicles;
- (4) Provide a guaranteed emergency ride home;
- (5) Provide transit pass subsidies;
- (6) Provide covered bicycle parking and storage, if otherwise not required;
- (7) Provide bicycle or car sharing on site;
- (8) Provide showers for business or industrial uses;
- (9) ~~Be~~For projects with residential units, be located within 600a 660 feet walk of a transit~~subway station or of a bus stop with scheduled bus service at least every 30 minutes, 7 days per week, between the hours of 6 AM and 10 PM.~~
- (10) ~~{9}~~ Other means acceptable to the applicable Special Permit Granting Authority.

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ARTICLE E: PARKING IN RESIDENTIAL DISTRICTS

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE E ZONING BYLAW AMENDMENT / PARKING IN RESIDENTIAL DISTRICTS

To see if the Town will vote to amend Section 6.1.10.A of the Zoning Bylaw, to amend and clarify standards for the location of parking in Residential districts; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend SECTION 6.1.10, Location of Parking Spaces, Subsection A, as follows:

- A. Parking in Residential Districts. ~~For single-family, two-family, duplex, and three-family dwellings. This section applies to all single-family, two-family, duplex, and three-family dwellings in the R0, R1, R2, R3 and R4 districts.~~
- (1) ~~(1)~~ OffFor single-family, two-family, duplex, and three-family dwellings in all Residential Districts:
- a. Required off-street parking spaces shall ~~are~~ not be permitted in the area between the front lot line and the minimum front setback ~~except that on a on a driveway not exceeding 20 feet in width leading to the required parking space(s).~~ In the case of a corner lot of less than 6,000 square feet, the required off-street parking shall be ~~spaces are permitted in the longer of the two front yards, up to a maximum of 24 feet in width. on a driveway not exceeding 20 feet in width leading to the required parking space(s).~~
 - b. ~~(2)~~ OffRequired off-street parking spaces are ~~is~~ permitted in ~~(1a)~~ the side yard and rear yard on a paved driveway area, ~~or in the case of a corner lot of less than 6,000 square feet, in the longer of the two front yards, up to a maximum of 24 feet in width, or~~ ~~(2b)~~ in an attached or detached garage, ~~or~~ ~~(3c)~~ ~~3)~~ and within the foundation of a dwelling, ~~provided the garaging garage is specifically designed for that purpose.~~
 - c. ~~(3)~~ AnyA driveway leading to off-street parking on a lot cannot exceed 20 feet in width. Further, a driveway and cannot be closer than 20 feet to an intersection. ~~nor. Any~~ Further, a driveway leading to off-street parking on a lot cannot exceed a 15% downward slope, as measured from the farthest point from the front property line, except by Special Permit. A space designed for parking within an existing garage is determined to meet the requirements of an off-street parking space.
 - d. ~~(4)~~ SideTo minimize visual impacts, side yards used for parking shall have a vegetated buffer when abutting a lot used for residential purposes. ~~to minimize visual impacts. Such~~ Except as altered by Special Permit, such vegetated buffer shall be a minimum of 2.5 two and one-half feet in width, or 1.5 feet in if its width with less than two and one-half feet it must have a minimum height of 4 feet, except as excluded by Section 5.3.12.B. No such

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buffer shall be over two and one-half feet in height above the adjacent ground within five feet of the front lot line unless it can be shown that such buffer will not restrict visibility in such a way as to hinder the safe entry of a vehicle from the driveway to the street.

(5)

(2) For single-family, two-family, duplex, and three-family dwellings in R0, R1, R2, R3 and R4 districts:

a. ~~not more than~~ Only than Only one driveway ~~shall be~~ is permitted on a lot unless there is a finding by the Special Permit Granting Authority for the development finds that a second driveway, or a driveway that makes more than one intersection with the street, may be added in a manner that:

- ~~a)1. Avoids~~ Allows an undue concentration of population,
- ~~b)2. Allows~~ Allows adequate provision of transportation,
- ~~c)3. Provides~~ Allows for the safety of motorists, pedestrians, those using the street and bicyclist sidewalk,
4. Preserves Protected Trees (as defined in Town Bylaws).

~~d) and~~

~~e)5. Conserves~~ Conserves the value of land and buildings in the vicinity, and

6. In making that finding, the Special Permit Granting Authority shall consider (among other relevant facts) functional classification and traffic volumes on the affected street or streets, whether the affected street or streets are one-way or two-way, proximity to signalized or unsignalized intersections, sight lines, potential conflicts among different roadway users (motorists, pedestrians, transit riders, bicyclists, and others), and the presence of children or others who may be unable to protect themselves from roadway dangers. Does not violate any other In no case may a second driveway for a single family, two family, duplex, or three family dwelling violate any other driveway, parking, dimensional, or density regulations requirements for the district in which it is located.

7. For single family, two family, duplex, and three family dwellings in R0, R1, R2, R3, and R4 districts, ~~n~~ Not not more than two driveways are permitted.

b. In making the findings required by subsection 6.1.10.A.(2)a., the Special Permit Granting Authority shall consider relevant factors that may include, among other relevant factors:

1. The functional classification and traffic volumes on the affected street or streets;
2. Whether the affected street or streets are one-way or two-way;
3. Proximity to signalized or unsignalized intersections;
4. Sight lines;

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5. Potential conflicts with others using the street and sidewalk; and
6. The presence of children or others who may be unable to protect themselves from roadway dangers.
c. No more than two driveways are permitted on a lot.

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ARTICLE G: REDEVELOPMENT BOARD JURISDICTION

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE G ZONING BYLAW AMENDMENT / REDEVELOPMENT BOARD JURISDICTION

To see if the Town will vote to amend Section 3.4.2 of the Zoning Bylaw, to revise the special permit and environmental design review applicability for certain properties abutting the Minuteman Bikeway; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend SECTION 3.4.2, Environmental Design Review, Subsection A, as follows:

3.4.2. Applicability

In any instance where a new structure, or a new outdoor use, or an exterior addition or a change in use (a) requires a building permit and special permit in accordance with use regulations for the applicable district or (b) alters the façade in a manner that affects the architectural integrity of the structure, and (c) is one of the uses listed in subparagraphs A through I below, the special permit shall be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards of this Section 3.4.

A. Construction or reconstruction on a site abutting any of the following:

- (1) Massachusetts Avenue, Pleasant Street, Mystic and Medford Streets between Massachusetts Avenue and Chestnut Street, or Broadway, or the Minuteman Bikeway.
- (2) The Minuteman Bikeway, unless the site is located in an R1 or R2 district and contains concerns a single-family, two-family or duplex dwelling, whereas where the applicable Special Permit Granting Authority is shall be the Zoning Board of Appeals.



Town of Arlington, Massachusetts

Correspondence

Summary:

- Heigham, C. - 2/4/2025
- Englisher, L. - 2/9/2025

ATTACHMENTS:

Type	File Name	Description
▢	Correspondence 02042025_Heigham__C.pdf	02042025 Heigham, C
▢	Correspondence 02092025_Englisher__L.pdf	02092025 Englisher, L

From: Christopher Heigham

Sent: Tuesday, February 4, 2025 08:50

To: Rachel Zsembery; Eugene Benson; Shaina Korman-Houston; Stephen Revilak; Kin Lau

Subject: 1/27 meeting

I watched the recording of your 1/27/25 discussion. The mics do help.

ADUs

Given Steve's comments about our zoning allowing (some) garages up to the property line, I suspect the draft on which he's working may allow ADUs up to the property line.

As I wrote to Gene earlier,

While the state may be reducing allowed restrictions on ADUs, Chapter 50 Section 8 says "the use of land or structures for such accessory dwelling unit under this paragraph may be subject to reasonable regulations, including, but not limited to, 310 CMR 15.000 et seq., if applicable, site plan review, **regulations concerning dimensional setbacks** and the bulk and height of structures" (emphasis added):

<https://www.mass.gov/info-details/chapter-150-section-7-and-8-of-the-acts-of-2024-adus#section-8->

The state specifically allows you to establish setbacks.

A crucial point is that a garage is not a dwelling. A dwelling has people in it much more of the time and usually has more windows. Also, while I know garages can theoretically be up to 20 ft, few are. ADUs will be. ADUs on or too near the property line can contribute to both a lack of sunlight (or light pollution at night) and the erosion of privacy in an abutting lot. Setbacks of 10 feet would conform to many of the setbacks for existing houses.

Allowing Businesses in R districts

I was happy to see you bring up most of points that came to my mind (parking, noise/hours of operation, smells, etc). As an aside, I know that the abutters to Fresh Pond Seafood pressed hard to get the high-powered ventilation system for the fryers when that property changed hands.

This idea would need a ton of outreach and discussion; it is as much work as redoing a business district.

Affordable Housing Overlay

I think that the thing that is going to jump to mind for most residents is "will I have a 4.5 story building next door?"

If, due to current funding models, the smallest feasible development is 30 units, I think some lot minimum should be defined - I know Steve mentioned 20,000 sq ft in one of the earlier discussions. Funding models could change in the future.

Finally, please consider the total effect of ADUs on the lot line AND affordable housing overlays AND businesses in the R districts, all in the year after MBTA-C.

Respectfully,

Topher Heigham, TMM P15

From: Larry Englisher

Sent: Sunday, February 9, 2025 5:10 PM

To: Claire Ricker

Subject: Re: Proposed Affordable Housing Overlay and ARB Meeting of Feb. 10

Dear ARB members,

I am writing to request that the ARB not endorse the proposed warrant article for an affordable housing overlay.

While I am very much in favor of more affordable housing in Arlington and I understand the challenges that we face in trying to build affordable housing, I do not believe that this overlay proposal is the right way to do it.

As I understand it, the overlay will allow multi unit housing everywhere in Arlington as of right. This would ignore the current zoning map that distinguishes the types of structures allowed in each part of town. Most of us have invested much of our life savings in our homes and we made this large investment understanding the zoning that was in place in our neighborhoods. Given that trust we placed in the Town to protect our investment in our homes, the least we deserve is an opportunity to be heard in a public hearing on any proposal to build a large nonconforming structure on an adjacent lot. The current process for variances gives us the opportunity to do that, but this overlay district will silence our voices.

Furthermore, the MBTA zoning overlay provides ample locations to build multifamily housing in areas that have public transportation and are deemed suitable for increased density. Thus, there is no need to pass a radical townwide overlay at this time. I actually believe that the proposed overlay will undermine the intent of the MBTA overlay by encouraging multifamily on large lots that are located far from any public transportation.

I urge you to consider the concerns I have expressed here which I believe are shared by many homeowners, and reject the proposed affordable housing warrant article as written. More careful consideration is necessary before passing any affordable housing overlay. Opposing this specific overlay proposal does not mean that one opposes affordable housing.

Yours truly,
Larry Englisher